

## EXTENSIONS OF REMARKS

WHEN A PLAYGROUND BECOMES A  
BATTLEFIELD

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. GINGRICH. Mr. Speaker, I read with great sadness the report last week of the untimely death of young Jermaine Daniel. Jermaine was not a casualty in the successful early days of Operation Desert Storm. He was, instead, a casualty in the other war that we are engaged in—the war that we are losing—the one here at home.

Jermaine was a 15-year-old student here in the District of Columbia. Jermaine would remain merely another number in the rising death toll in our Nation's Capital if it were not for the notoriety he obtained 2 years ago when he was "adopted" by former D.C. Police Chief Maurice Turner. Chief Turner "adopted" Jermaine to show other D.C. children that people do care and opportunities do exist for children to rise above the drugs and crime that permeate our inner cities. Young Jermaine had both a father and a brother in prison. Chief Turner recognized that Jermaine had only negative influences in his life and was determined to show at least one youngster that he was not doomed to failure because of where he was born. Chief Turner knew that it would be an uphill battle.

Jermaine wasn't old enough to drive a car. He couldn't vote, enlist in the Army or even drop out of school. And yet, he was a soldier in a war—and now he is just another casualty.

We are losing this war at home. This is a ground war with an immense future at stake—the future of an entire generation. It is even more disturbing to know that Jermaine's murder on the playground of his school is not an isolated instance.

Two weeks ago another teenager was stabbed in a D.C. high school over the theft of a bag of corn chips. Earlier this month, a 14-year-old was charged with the fatal shooting of someone who was stopped at a traffic light on Capitol Hill. In December, a group of junior high students drove by a corner and sprayed gunfire into a crowd of children walking home from elementary school—seriously injuring a number of them. Where will this all end?

Last weekend approximately 75,000 antiwar protesters came to Washington to voice their protest of the war—but not one word was mentioned about the war here at home. Many of those interviewed stated that, in their opinion, we are waging a battle overseas to have lower fuel prices here at home. They don't see that as a just cause for people to lose their lives.

I would challenge those protesters—is a 15-year-old junior high school student who is shot down in cold blood over a bag of corn chips enough motivation to get involved and stop

the war here at home? Imagine the impact 75,000 people could have on stopping these senseless crimes.

We need new solutions for the nineties. We cannot sit back and listen to the murder statistics in our cities and believe that they have no effect on our lives.

I hope that each of my colleagues will read the attached article and join me in developing new solutions for the nineties to finally cause a cease-fire on our playgrounds. Let us all learn a lesson from young Jermaine's brief life.

The article follows:

[From the Washington Post, Dec. 16, 1990]  
THE KILLING FIELDS OF D.C.—ARE WE CROSSING A LINE INTO ANARCHY? HOW CAN WE CROSS BACK?

(By Joyce Ladner)

Two years ago, writing on this page about the murders in our city, I tried to explain what I called a "new kind of terror, pain and confusion." Today I am wondering this: Has Washington become a Beirut, a place wholly accustomed to death and desensitized to violence? Have we crossed a critical line that separates a law-abiding society from a society in which life is anarchic, brutal and short?

When I put this question to Harvard psychiatrist Dr. Alvin Poussaint, he replied, "I don't think anyone knows where the line is. We know something's happened. In the past five years, we've come to feel that anything goes. There is an immunity to violence and an acceptance of it by the perpetrators as a legitimate way to deal with things. The perpetrators use violence as a tool to negotiate the environment."

In fact, there have been so many murders here this year that most people take little more than momentary notice of the grim statistics. The daily routine of violence requires a special accommodation for those who live in neighborhoods where it is commonplace. "You get used to the killing," said one woman, as she explained to me her strategy for survival. She lives around the corner from a drug-infested street where the police often carry out searches of men as they lie straddled on the pavement.

When asked if there is anything that shocks her, she replied, "I did get shocked one night when two boys came down the street shooting wildly. I dove under the counter at the grocery store. When something like that actually happens, you get shaken but you have the capacity to get used to anything so long as it happens with a lot of routine."

But even in our collective numbness and apparent apathy, some of these murders arouse our worst fears, our sense of vulnerability, and provoke our strongest moral outrage. Three of them occurred this month:

Clarence Collier-Wilson, 27, was murdered by a knife-wielding man in the Adams-Morgan neighborhood as she carried her 3-year-old daughter and held the hand of her 10-year-old daughter.

James "Jay" Bias, 21, was shot to death, allegedly by a man who accused him of flirting with his wife.

Frank Gibson, manager of a Tenleytown clothing store, was gunned down in an apparent robbery attempt.

A month earlier, attorney John Winston was shot and killed outside his Chevy Chase Circle townhouse. The latter two murders, in predominantly white Ward 3, were a reminder that there is no sanctuary from the violence.

These murders touched us so deeply not only because of their depravity, but because they told us of our own seeming helplessness. How, we wondered, could anyone put a knife through the heart of a woman carrying a child? Could we be next?

The violence, to be sure, is not confined to our metropolitan area. Homicide rates for New York City and Atlanta also have exceeded last year's; young men are shooting each other gangland style in broad daylight. "There's a lot of retaliation going on right now," a Washington homicide detective told me. "Money is tight. They're [drug dealers] robbing each other and getting killed between robberies. The idea is, 'If you kill my friend, I'll kill yours.' And then they know how the system works. They know the court system will give them a low bond. They'll be out of jail quickly."

Drug dealers have taken control of once-stable neighborhoods. Consequently, the violence has changed the way many live. "A lot of people do not allow their kids to go outside to play anymore," said the detective. They have retreated to the fragile security of their homes, while the streets have been taken over by dangerous young men.

In high-risk neighborhoods, people's homes have become their jails, as they venture out only when absolutely necessary. In a conversation with several fifth-graders, one stated emphatically, "I don't go outside." But he also recounted, "I heard somebody get shot; I was walking past and I saw all this blood coming out." Another told me, "I get scared walking home at night. I know a couple of people around my way who got shot in the leg and arm." And one boy told me he was afraid of being shot when he became a teenager.

It has become a society in which fisticuffs are as outmoded as the cavalry horse. As one youth told me several years ago, "It's easier to shoot it out and get it over with rather than spend the whole night fighting." Many in this generation have not been taught to use verbal skills, such as negotiation, to solve problems. The availability of weapons continues to raise the stakes for all-out warfare. A 14-year-old junior high school student told me, "We were over to a girlfriend's house. We saw a boy get shot in the leg. It made me sad."

Violence, Poussaint said, "is one of the strategies, along with other forms of anti-social behavior, they take for granted on a day-to-day basis. So it's live fast, die young and have a good-looking corpse."

These distortions often originate from, and are reinforced by, various stimuli. Consider simply the television and film industry. Not only are films getting more violent, but a growing number of black actors are cast as the leads in them. Danny Glover's roles in "Lethal Weapon" and "Predator II" and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Eddie Murphy's roles in "Harlem Nights" and "Another 48 Hours" are good examples. A lot of youths see these films; they must get the message that this is reality, or at least a large slice of it.

Once the perpetrators of crime were poor; they were either older teenagers or adults, and they came from troubled families. That pattern has shifted. According to the D.C. detective I interviewed, "Some come from good homes, even upper-class homes as well. Some are well-educated. I recently dealt with a murderer who was a college graduate."

Perhaps some aspects of the problem cut across racial and class boundaries and predispose some individuals more than others to be drawn into this web. Poussaint addresses the issue this way: "This generation of youth is less empathetic toward people. Some of the old rules such as 'do not hit elderly women' aren't functioning anymore. Now anything goes."

Authorities, meanwhile, say that some parents tacitly approve the involvement of their children in the drug trade; they ignore the new-found riches, the jewelry and cars. When I asked the D.C. detective if the parents seemed surprised to learn their sons have been arrested, injured or killed as a result of drug involvement, he replied, "They always appear surprised. Most should know something is wrong when the kids do not come home until 3 a.m. The parents pretend they don't know, but they do."

"[Most] parents are really sorry when they find out their kids have gotten killed. [Some] see it as a case of the money going down the drain." The detective, who has investigated many of the city's killings, says he knows of cases when parents call the police "and want to know where their son's \$100 tennis shoes are. They're more concerned with the kid's property—the car, tennis shoes, how much money he had in his wallet. They say they didn't know about their kid's involvement with drugs, but you find out they did when you look at their bank account."

When you look at this generation of young people, you realize their parents were shut out of the "second reconstruction"—the fruits of the civil-rights struggle. If they were poor, they had little of the social "safety net" to offer their children:

Starting with the Nixon administration, funds have shifted away from funding poor urban communities; the federal government, by drastically cutting back funds for social programs, effectively began to abandon these communities.

Ironically, many large cities are now run by black mayors, policymakers and service providers. But the presence of black leadership alone cannot by itself alleviate the problems of bad schools, poor housing and jobs without a future. "Everyone is angry with the state, but blacks are running the programs of the state," said Walter Stafford, a professor of urban policy at New York University. "The black community hasn't expanded the economic base to incorporate the youth. Everyone is saying, 'Cut the local government payroll. Get rid of the surplus workers.' But no one is saying what we should do with these kids."

No one knows what to do about a generation of latch-key children—kids who have grown up without the heavy investment of parental involvement so many of us received. A number of parents are also extremely young themselves—some had their children as teenagers and have not had enough experience to know how to raise their children. Others are simply neglectful.

Eleanor Cox, director of a program for at-risk youths in Washington, said, "The kids feel that as far as the adults are concerned, they are just there. They don't sit and talk with them, laugh with them. It's more a matter of criticizing them where they're pointing out the kids' faults and telling them what to do without any interaction with them."

Cox recounted this recent incident: "I saw a baby crawling out onto the sidewalk, going into 15th Street Northwest, and I didn't know whom he belonged to. A 2-year-old boy ran into the house and left this infant on the sidewalk! The little baby was trying to get up the walk. I picked him up and took him into the hallway of the building."

No doubt this was unusual, but how can such a thing happen even once? How can such a child grow up to be a normal human being? Whose responsibility is it to make sure this infant has the appropriate level of care?

I certainly endorse the idea that those who inflict harm on others should be punished. But it is important for us to understand and acknowledge the roots of the anger now unleashed upon society. You don't have to be a bleeding heart to understand how serious it is that a lot of young people never formed primary relationships with other human beings during their early years. Had they done so, they wouldn't be able to kill, at least not so easily. "Some kill and go on out to a party at a club, or they go home and go to sleep," the detective told me. "When it's time to go to court, they show remorse."

Dr. Cuthbert Simpkins, a surgeon at D.C. General Hospital, has treated many gunshot victims. When I asked him what should be done, he said, "They are approachable when they come into the hospital. They really didn't realize their actions would bring them to this. You can talk to them about their lifestyle. They've got a tube in the nose; they have a hole in their stomach. They're in pain and they're afraid they're going to die. You can get them to reflect on their lives."

Simpkins has seen drug dealers express humility. He has seen the toughest of them cry. But the toll is awful, he said. "It gets to be really sad. As an inquisitive person, I want to get to the bottom of this problem. I'm tired of holding a chest together. I'm tired of holding an aorta together with my hands. I'm tired of closing up wounds inflicted by trauma."

All of us, on some level, have been affected by the horrifying escalation of violence. Eleanor Cox says that even the rules of robbery have escalated. She described an incident when, after the perpetrators took the victim's jewelry, they stabbed her in the stomach.

In my case, Clarene Collier-Wilson's death touched me in a deep and personal way. When I moved to Washington in the early 70's, I lived in the building where she lived. I still have friends there.

The night following Collier-Wilson's murder, I went to pay my respects to her family. As I parked, I saw a group of people I've known in the neighborhood for years nail a sign to the tree, admonishing all who read it not to allow her death to be in vain. Candles were lit and flowers were brought to this modern-day urban shrine, as Washingtonians gathered and tried to make sense of what had happened. As I stood looking at the flickering candles, a woman drove up and shouted from her car, to no one in particular, "I don't live in this neighborhood. But I had to come over here to see where this murder took place."

Then she began to scream, repeatedly, "When is this violence going to stop? When is it going to stop?"

We know that if the devastation doesn't stop, we will, as a community, have crossed the line. We know that if the killings in the past represented a disorder and deviation from the norm, today's violence is rapidly being accepted as the way large numbers of people relate to each other. Normalcy is being turned inside out and there are fewer challenges to this distorted way of behaving.

Still, we must not forget the other side. In many neighborhoods, citizens have organized to take back their communities; if those most affected have become numb, they have not stopped caring.

We must also remember the young African-American men and women in this nation—the great majority—who are thoughtful, law-abiding and serious. A case in point: M. Kasim Reed, an international-business major at Howard University who currently serves as the undergraduate representative on Howard's Board of Trustees.

Recently, Reed was on the "MacNeil/Lehrer NewsHour" to discuss how his generation feels about the military build-up in the Persian Gulf. When the program ended, friends called me to ask about this "clear-thinking, erudite, charismatic young man," as they described him. A veteran journalist friend called him "truly special"; another said, "We can surely expect great things from him in the future. He will be one of the new breed of leaders in the African-American community."

Reed is, indeed, a special person, but there are tens of thousands of others very much like him, on and off campuses across the nation. (He is featured in the November issue of Black Enterprise magazine with two fellow entrepreneurs at Howard.) But why are these young blacks virtually invisible? Why do we hear so little about them and their views on international, political and economic issues, while we are inundated with news about the latest body count of youths involved in the drug market?

Surely, a bridge can be made between the two sides of this generation. It is, after all, Reed and his peers who will inherit the burden of the terrible present.

## REFORM OF THE FEDERAL BLACK LUNG PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am introducing legislation to reform the Federal Black Lung Program.

This is the legislation being advanced by the National Black Lung Association. It is a comprehensive bill to reform the Federal Black Lung Program. The changes envisioned by this measure reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely



harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Joining me in the introduction of the Black Lung Benefits Act Amendments of 1991 are my colleagues FRANK MCCLOSKEY of Indiana, RICK BOUCHER of Virginia, CHRIS PERKINS of Kentucky, and BOB WISE of West Virginia.

In general, this measure contains the following proposals:

**New eligibility standards:** A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

**Application of new eligibility standards:** The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

**Elimination of responsible operators:** All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

**Widows/dependents:** A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

**Offsets:** The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

I believe that in light of the many hearings that have been held by the Subcommittee on Labor Standards, we have established a strong record in support of legislative reform of the Federal Black Lung Program. It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by a program that was intended to bring them relief.

#### TRIBUTE TO WFMJ-TV 21 ACTION NEWS TEAM

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the fine men and women of the WFMJ-TV 21 Action News team, in my 17th Congressional District of Ohio, who gen-

erously donated their time to Mahoning County libraries this January.

Our Mahoning County libraries hold preschool story times for youngsters three times weekly at the Broadman and North branches. This month, various personalities from WFMJ-TV 21 Action News volunteered to read selected stories to the children during some of those times. Volunteers included Sheila Patrick, producer; John Bindas, executive producer and assistant editor; and Dana Balash and Evonne Woloshym, reporters.

Mr. Speaker, I would like to take this opportunity to pay tribute to these fine individuals of WFMJ-TV. As news professionals, they have already made a sincere professional commitment to the well-being of the Mahoning community. But by taking time out of their hectic schedules to read to our local children, these women and men have expressed a deep personal commitment and generosity toward our community. The work of Sheila Patrick, John Bindas, Dana Balash, and Evonne Woloshym for the service of the community and the children of Mahoning County deserves special commendation. I am honored to represent such outstanding individuals.

#### C.K. MA RECEIVES AN HONORARY DOCTORATE

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ACKERMAN. Mr. Speaker, it is my honor to pay tribute to Mr. C.K. Ma, chairman of the Oriental Daily News, who is receiving an honorary doctorate degree from St. John's University.

The Oriental Daily News is the largest newspaper in Hong Kong, with a readership of over 2 million per day. Mr. Ma's contribution to journalism has helped to make the Oriental Daily News one of the most respected and widely read newspapers in Asia. North American editions will begin publication this year.

Mr. Ma is avidly involved in charitable causes. The Oriental Daily News Charitable Fund has had a significant impact in aiding the poor, the sick, and the needy. The fund receives a majority of its contributions from the paper's readers. Mr. Ma has been inspired by the willingness of those with few resources to help others in more dire need. "How much one person can afford to donate is unimportant," Mr. Ma has written. "It is the love, the concern for another human being that counts. In this sense, 10 cents from 10,000 caring souls becomes much more meaningful than a generous donation from 1 single person. Through this fund, I \* \* \* hope to foster greater social consciousness and participation from all members of society."

Mr. Ma's eloquent words are testimony to his compassion and his significant contribution in helping the less fortunate among us. In addition to his extensive charitable work for the needy, Mr. Ma has made a substantial gift to the Government of Grenada to erect a memorial to those American servicemen who gave their lives in the liberation of that country. His generosity is most appreciated.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in congratulating C.K. Ma on the honor of receiving an honorary doctorate degree from St. John's University, and in saluting him for his generosity and compassion. His contributions to society are greatly admired.

#### A CONGRESSIONAL SALUTE TO LT. MICHAEL G. MARKULIS

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. On January 30, Lt. Michael G. Markulis of San Pedro, CA, will be honored by the Harbor City-Lomita Lions Club as their "Citizen of the Year" for his outstanding contribution to both its members and the community at large.

Not only a veteran of 34 years of dedicated service with the Los Angeles Police Department [LAPD], Lieutenant Markulis loyally served 2 years with the U.S. Army during the Korean conflict. He received his honorable discharge after attaining a rank of corporal with a spotless service record.

His distinguished law enforcement career has included a great variety of positions and responsibilities, but if one were to draw a common thread through it all, it would be his tireless service to his community. Currently the commanding officer of the Harbor Detective Division, Lieutenant Markulis' commitment to his men on the job and his fellow citizens during his time off makes it no surprise that there is a long waiting list to join his nearly 40-member elite investigating team. In addition to his duties with the LAPD, Lieutenant Markulis is very active with the Harbor City Chamber of Commerce and as the cochairman of the Harbor Area Gang Alternatives Program.

A graduate of San Pedro High School and University of California at Long Beach, Lieutenant Markulis furthered his education by taking numerous additional courses including earning his teaching accreditation. Focusing on police science and education courses, Mike Markulis not only excelled at his police work, he also educated his fellow officers and the members of his community so that they might all live in a more peaceful and harmonious social environment. Not surprisingly, he is a sought after public speaker and frequent representative of the LAPD because of his consummate professionalism and obvious leadership qualities.

The Harbor City-Lomita Lions Club is grateful for the contributions Lt. Michael G. Markulis has made to the life of his community both as a distinguished law enforcement officer and a civic leader. My wife, Lee, joins me in extending a congressional salute to him today.

## BRAVO FOR AMERICAN POWER

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HYDE. Mr. Speaker, a fresh perspective on America's role in the gulf war is always welcome, and I offer to my colleagues the article of January 20, 1991, by Peregrine Worsthorne in the London Sunday Telegraph:

[From the Sunday Telegraph Jan. 20, 1991]

BRAVO FOR AMERICAN POWER

(By Peregrine Worsthorne)

President Bush has been proved right and his critics, this paper included, have been proved wrong. Delay in going to war was not due to loss of nerve or weakening of resolution, as we feared. He always knew what he was going to do and has now done it in his own good time in the most favourable diplomatic and military circumstances. Bravo for President Bush. Bravo for the allies, particularly Britain (coupled with the name of Mrs. Thatcher), who put their faith in American leadership. Let us give praise to this man. Not since Marlborough created, and held together, his great and victorious coalition has there been so successful an act of international statesmanship.

The war, admittedly, is not yet won. Agonising weeks of carnage could lie ahead. But the worst is over. The worst was over as soon as war began. For an ignoble peace was the worst thing that could have happened. Compared to that, any military cost will be sustainable. So there are already grounds for rejoicing. The coalition has set its hand to a necessary task from which there can be no retreat. From September 1939 until June 1940 there was a phoney war, not unlike the phoney peace that has prevailed in the last six months. Then in June 1940 hostilities began in earnest and everyone with an ounce of honour felt enormous relief. So it is today.

Not that the danger from the peace movement has wholly passed. If hostilities in the Gulf are at all protracted, and casualties mount, pressure for a shameful peace will soon return. Even now, there are peace marches, although only on a relatively small scale. Jingoism is not the danger of today. Of that excessively maligned enthusiasm there is no sign whatsoever—no crowing or triumphalist rhetoric. Quite the contrary. In both speech and demeanor President Bush is the very model of a peaceful man. So is Mr. Major. History without histrionics—that is their hallmark. Neither man at all gives the impression of walking, let alone marching, with destiny. No stirring of the blood from them. Up to a point, this coolness is a virtue. Most people respect it; feel at ease with it. The grandiloquence of a Churchill would not suit the present mood. But if things start going wrong in the Gulf, we may need to have recourse to jingoism, if only to combat the fire and fervour of the peace movement. Responsible newspapers should not dismiss jingoism as some primitive, irrational emotion, quite unsuitable to modern war. For so long as primitive, irrational pacifism can continue to cloud the minds of men—as it can and does as never before—so long will it be necessary for there to be an equally strong and emotional antidote on the other side. One hopes that this war can be sustained without recourse to jingoism. But it would be a foolish Western leader who threw this indispensable, if ancient and primitive, psychological weapon onto the scrap-heap before victory was assured.

It would be a foolish Western leader, too, who got into the habit of drawing too much satisfaction from the United Nation's amazingly supportive role in the current crisis. Great satisfaction is certainly in order. Without UN backing for this war the Labour Party would not have been able to give it their support; nor, almost certainly, would France. And the same goes for the Arab allies, even more so. UN war good; US war bad. Many think like that. But because this is a deplorable fact of modern political life, it is plainly right to get UN backing for American intervention wherever possible or, if not right, at any rate prudent. On his occasion it was possible, thanks to the very special circumstance of Saddam Hussein's peculiar ferocity, and thanks also to President Bush's diplomatic skill amounting to genius. But it won't always be possible and it would be undesirable for America to conclude that UN approval was a necessary condition for intervention in the future. Just as it would be a mistake to suppose that all wars can be brought to victory without the benefit of jingoism—because arguably this one can—so it would be a mistake to think that all American interventions must have UN backing, because this one was lucky enough to get it.

I see hostages to fortune being given here—or rather hostages to unsound liberal thinking or non-thinking, i.e., sentimentality. This war in the Gulf would not have been less necessary, less desirable, if the UN had refused to sanction it. President Bush and Mrs. Thatcher took the decision to go to war long before there was any hope of getting UN sanction, and they did so with a justifiably clear conscience. But will their successors feel equally free to decide first and then take the matter to the UN? Or will they henceforth feel bound to go to the UN first, since so much rubbish has been written in recent weeks about UN backing being the essential legitimizing factor? One is all for high-minded rubbish or hypocrisy—the tribute that vice pays to virtue—so long as people don't start taking it seriously. The danger is that rubbish repeated often enough begins to take on the shape of truth or at any rate myth. President Bush has undoubtedly pulled off a superb *coup de theatre* in getting the Third World, and the liberal elements of the First World, to go along with this war. But the danger of exemplary achievements of this order is that in time they come to get taken by subsequent generations for the norm, the expected, even the required. This must not be allowed to happen. On no account must America lose her freedom of action.

Here we move on to treacherous ground. Why must the US never lose her freedom of action for the UN? How one wishes it were possible to answer this question without sounding cynical. To say that the UN is largely made up of poor and backward countries—a third of its members are now African—whose interests are not our interests, does sound cynical. But it also goes to the heart of the matter. For there is a clash of interest between the First World and the Third World, and no international order satisfactory to the former should rely on the say-so of an institution dominated numerically by the latter. The riches of the First World provoke passionate envy in the Third World, and so do all other appurtenances of civilization. We are envied both materially and non-materially, and the Third World would dearly love to pull us down. Nothing blocks this aim except Western strength. And it is this Western strength which must on no account be trammelled. So much can be ceded to the UN but no more. This was

well understood by the UN's founders, and America's recent good fortune at the hands of the UN must not encourage that eternally and gloriously optimistic country to think that anything fundamental has changed.

The aim must be for America to win an overwhelming victory; for Western technology to prove devastatingly, chasteningly superior. Nobody can suppose for a moment that President Bush even sought this opportunity to demonstrate Western might, both moral and material. Never has a war been entered into more reluctantly. But enter it American now has, using all the terrifying weight of modern rocketry. Again, the purpose is not to terrify. The purpose is to avoid repeating the mistakes of Vietnam. In Vietnam the Americans escalated step by step, too little too late. This time they have gone for the jugular from Day One. Lots could still go wrong. But it is beginning to look as if Saddam Hussein has given the West a chance once again to establish its unchallengeable pre-eminence in a manner impregnable at once to moral obloquy and military resistance. Not only will our arms have prevailed in a most spectacular fashion. So also will our ideals. Nothing is ever for ever. Sooner or later the Third World will throw up other challenges. But if the Gulf war ends as it has begun, there can be no doubt who are the masters now—at any rate for another generation. We have the laser beams and they have not. And the we who matter are not the Germans or the Japanese or the Russians but the Americans. Happy days are here again.

Bliss is it in this dawn to be alive; but to be an old reactionary is very heaven.

BRAMWELL NATIONAL  
HISTORICAL PARK ACT OF 1991

## HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation to establish, as a unit of the National Park System, the Bramwell National Historical Park in the State of West Virginia.

As I have noted in the past, it is my intention to seek as part of my Southern West Virginia Coal Heritage Initiative the establishment of what I like to call the Colonial Williamsburg of coal towns. We have been fortunate to find in Bramwell some outstanding, and what I believe to be nationally significant, historical, cultural and architectural values relating to the coal mining heritage of southern West Virginia.

The proposed Bramwell National Historical Park is envisioned as being a living unit of the National Park System in a manner similar to the Harpers Ferry National Historical Park in West Virginia. People would continue to make the area their homes. For this reason, the legislation makes a number of specific provisions to protect private property rights: acquisition of land could only take place with "willing sellers" and the National Park Service would not have access to private residential property within the park without the advice and consent of the owner.

Development of the park would be outlined in a management plan, which would be devised by the National Park Service with public



input and through consultation with the Bramwell National Historical Park Advisory Committee established by the bill. However, the legislation does provide for the restoration of a brick surface to North River Street, Main Street, Rose Street, South River Street and Block Street to restore the historical and architectural character of the park; measures to mitigate the visual impact of public utility facilities such as phone and electrical lines on the historical and architectural character of the park; the reconstruction of the Bramwell Railroad Depot; and, the restoration of an edifice or edifices suitable to provide for the interpretation and visitor appreciation of the historical, cultural and architectural features of the park. Under the bill, the National Park Service would be authorized to enter into cooperative agreements with the owners of properties of historical or cultural significance within the park to mark, interpret, restore and provide technical assistance for the preservation and interpretation of the properties.

The 13 member Advisory Committee would consist of the Governor of the State of West Virginia or his delegate; one member to represent the West Virginia Division of Culture and History; the mayor of the town of Bramwell; one member to represent the Mercer County Commission; one member to represent the Mercer County Historical Society; two members to represent the Bramwell Historic Landmark Commission; two members to represent the Bramwell Millionaire Garden Club; one member to represent the West Virginia Preservation Alliance, Inc.; one member to represent Coalways, Inc.; one member to represent the West Virginia Association of Museums; and one member to represent the Pinacle Rock State Park Foundation, Inc.

A portion of the town of Bramwell, where the historic coal baron homes are located, is currently listed on the National Register of Historic Places as a historic district. The Bramwell Historic Landmarks Commission is in the process of working to expand the historic district to include the outlying Coopers, a former company-run coal camp, and other areas within the corporate boundary of the town. I expect this effort to be finished shortly. Under this legislation, we will adopt this boundary for the purpose of the park. As such, both sides of our coal heritage—management and labor—will be represented.

I would also note that a number of developments have taken place since I originally introduced this bill during June 1990. Aside from the progress that has been made on expanding the existing National Register listing, the legislation was the subject of a hearing conducted by the Subcommittee on National Parks and Public Lands on September 18, 1990, during which we received excellent testimony from the mayor of Bramwell, Harry Donnal Murphy, who has been extremely supportive of this initiative. In fact, early in 1990 the town council voted to endorse the bill. Also presenting testimony was Louise Stoker, the chairman of the Bramwell Historic Landmark District; Beth Hager, the curator of History for the Huntington Museum of Art; and Commissioner Bill Drennen of the West Virginia Division of Culture and History.

In addition, as part of the fiscal year 1991 appropriation bill for the Interior Department,

with the assistance of Senator ROBERT C. BYRD of West Virginia, we were able to obtain funds for the National Park Service to conduct a new area study on Bramwell. I would expect this study to be forthcoming in the near future. Finally, I would add that I have received a commitment from the chief of the Historic American Buildings Survey/Historic American Engineering Record [HABS/HAER] to send a staff member to Bramwell for the purpose of considering a project.

Mr. Speaker, the purpose of the bill is to gain the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell for the educational and inspirational benefit of present and future generations. I do contend that it is in the national interest to preserve the unique character of Bramwell and its environs.

#### PRIVATE RELIEF FOR PETRO RUBAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. TRAFICANT. Mr. Speaker, on January 18, 1991, I introduced H.R. 591, a private bill providing for the relief of Petro Ruban. I enter his story into the CONGRESSIONAL RECORD today so that you and the rest of my colleagues are apprised of the necessity of relief for this man in this situation.

Petro Ruban spent 22 years in a Soviet prison and was finally pardoned by President Gorbachev due to the direct intervention of President Reagan in 1988. Ruban proceeded to Rome, Italy, where he planned to obtain refugee status for entrance into the United States.

However, President Reagan wanted him in the United States by July 13, 1988, for a ceremony proclaiming that day as "Captive Nations Week." As a result, Ruban did not have sufficient time to process a refugee application. In order to cut through the red tape and get Ruban into the United States by the designated date, he was granted temporary humanitarian parole.

As you know, parolees are not entitled to the extensive benefits to which refugees are entitled. Ruban has since adjusted to refugee status but cannot qualify for refugee benefits because the deadlines associated with receiving those benefits have expired. Ruban feels that he is entitled to those benefits because, if not for the President's request, he would have obtained refugee status in Rome and received all benefits entitled a refugee prior to the expiration of those deadlines.

We have tried to solve this problem administratively to no avail. My bill states that Petro Ruban "shall be considered to be a refugee admitted to the United States as of the date of enactment of this Act."

#### UKRAINIAN INDEPENDENCE DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ACKERMAN. Mr. Speaker, I rise today in support of Ukrainian Independence Day. The people of the Ukraine have a long history of struggle to obtain independence. In January 1918, the leaders of the independent Ukrainian National Republic proclaimed the Ukraine's independence from the Soviet Union. Unfortunately, this autonomy was short-lived. In 1922 the Soviet Army, under the orders of Lenin, took control of the Ukraine and the Ukrainian people have sought independence ever since.

The world has been inspired by the changes in Eastern Europe and by the birth of democracy in countries long oppressed by the Soviet Union. Mikhail Gorbachev won last year's Nobel Peace Prize for bringing the Soviet Union out of the dark days of Stalin and allowing growing freedom and democracy. But recent events in the Baltic States have threatened the hopes of people within the Soviet Union who have longed for freedom and democracy for too long.

While the eyes of the world are focused on the war in the Persian Gulf, the Soviet Union has begun a brutal crackdown against the people of Lithuania. This aggression, in light of the hope inspired by President Mikhail Gorbachev and his policy of perestroika, has dampened the hopes of many republics within the Soviet Union which hope to gain independence, including the Ukraine.

All people deserve the right to self-determination. The people of the Ukraine have fought long and hard to obtain autonomy. Unfortunately, their struggle is not over. While our attention is focused on the war in the Persian Gulf, it is important that we not turn a blind eye to oppression in the Soviet Union and other parts of the world.

I commend the Ukrainian people for their perseverance in their long struggle for freedom. Ukrainian Independence Day is an important commemoration, and I give it my full support.

#### SUPREME COURT FINDS MACHINE-GUNS UNCONSTITUTIONAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ANDERSON. Mr. Speaker, on January 14, 1991, the U.S. Supreme Court refused to hear arguments from the National Rifle Association and other pro-gun advocates against the Federal ban on the sale of fully automatic machineguns. By refusing to hear this case, Farmer versus Higgins, the Supreme Court has upheld the principles of the second amendment while rejecting the notion that unrestricted access to any weapon is an unconditional constitutional guarantee.

Any gun control measures considered by Congress must bear the scrutiny of the second amendment, and the ban on machineguns

certainly passed this test. The case against unrestricted access to machineguns is a strong one. Machineguns are not used for hunting, target practice, or for the protection of home and family. They are used by criminals, drug dealers, and gang members against the men and women who bravely fight to uphold the law. For this reason, law enforcement agencies throughout the country fought to ban machineguns, and the Congress responded to their needs.

Individual States have also acted to remove dangerous weaponry that have turned their streets into battlefields. In California, the State supreme court upheld a ban on semiautomatic weapons, such as the AK-47 assault rifle and machineguns. The U.S. Supreme Court's action in *Farmer versus Higgins* verifies the constitutionality of the State's ruling and paves the way for other States to pass responsible gun laws.

It should be emphasized that a ban against machineguns will not curtail the rights of individual, law-abiding gun owners, nor was this the objective. People will always retain the right to protect themselves and their families under the second amendment.

For these reasons, I do not believe that the second amendment gives citizens unrestricted access to arms possessing unnecessary firepower that endangers the freedoms of others. The Supreme Court has justified this belief by ruling that Congress can curtail the proliferation of machineguns without violating the second amendment. This is a triumph not only for law enforcement officials, but for all Americans who support responsible gun control laws.

#### COMPETENCE WHERE YOU WANT IT

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BEREUTER. Mr. Speaker, in recent days it has become increasingly clear that U.S. military forces in the Persian Gulf are of the very highest quality. Similarly, it has become evident that our military commanders have earned the trust we have placed in them. In particular, Gen. Colin Powell has stood out as a remarkable commander. Throughout the current crisis, he has demonstrated the calm and steadfast resolve of a true leader of men.

Mr. Speaker, this Member will insert the following editorial in the *RECORD* which recognizes the obvious competence and talents of General Powell. According to the January 27, 1991 edition of the *Lincoln Journal Star*. "The four-star Army general who is Chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense that this guy is telling the truth." Indeed, Mr. Speaker, we should all be grateful to have military commanders such as General Powell.

[From the *Lincoln Journal-Star*, Jan. 27, 1991]

#### COMPETENCE WHERE YOU WANT IT

Millions of Americans should now have an understanding why Presidents Reagan and

Bush entrusted very major national managerial responsibilities—in uniform and out of it—to Colin Powell.

The four-star Army general who is chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense this guy is telling the truth.

A mark of Powell's competence, in our judgment, is his steady refusal to describe the Iraqi military forces in anything other than professional terms. There are no debasing overlays of either emotion or invective.

Powell says that in the war's first week, Iraq's military assets—human and otherwise—were terribly hammered. But the war also is not going to end at the conclusion of the second week, all that earlier jazz about our superhuman air power and the conflict being over in a finger snap to the contrary. Unfortunately, John Wayne-ism continues to infect beliefs.

A sturdy military core remains available to Saddam Hussein. Its extent is uncertain because the Iraqis have demonstrated particular skill disguising weapons and facilities. Powell made the following sober analysis, repeated here (in part) because additional Americans need to digest it:

"The Iraqi army in the Kuwait theater of operations is a large combined arms army. It has tanks. It has personnel carriers. It has air defense guns. It has very redundant and resilient communications between the different operating echelons of the army. It has stockpiles of food, ammunition and parts with the army in-theater. And they have a very elaborate supply system coming down from the interior of the country to sustain that army. \* \* \*

"They're spread out. They're dug in. They're hiding. They're not standing out there like a building. They're avoiding air attack. They are going to put out dummies to try to deceive you as to their exact locations. They are going to put in primary positions and alternate positions and supplementary positions. They are going to dig in their lines of communication. They are going to put in overhead cover. Those tanks are designed not to be easily destroyed.

"There is no question that this large force will become weaker every day. That's absolutely mathematical. We are going to do everything we can to make sure that army cannot be reinforced with new troops, and over time they will have increasing difficulty to resupply it. Yet that army has good soldiers.

"\* \* \* They still have a chemical weapons capability. Their artillery can fire chemical weapons; their multiple-launch rocket systems, their free rocket over ground systems, and their air force does have that capability. It's still a threat \* \* \*

"With respect to their national command authority and their command and control systems, they are very good at this. They have redundant systems, resilient systems they have work-arounds, they have alternatives and they are still able to command their forces."

Powell is confident the international military coalition applying lethal force against Iraq to compel its retreat from Kuwait will get the job done. So are we. Nevertheless, the general deserves thanks of adults for underscoring the rigors of the assignment.

#### HOPE FOR THE PACIFIC FLYWAY?

#### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MILLER of California. Mr. Speaker, a recent Los Angeles Times article provides a timely and important description of the tremendous losses to wildlife and waterfowl in California's Central Valley. This area is the most important wintering habitat for waterfowl in the United States. Over half of the waterfowl using the Pacific flyway—the long migratory corridor stretching to the Equator in the south and Alaska in the north—winter in the Central Valley.

The scope of the loss has been enormous. Wetland habitat has dropped from a historical level of 4 million acres to less than 300,000 acres. With the loss of habitat, waterfowl populations have plummeted to all-time lows. The remaining habitat suffers because State and national wildlife refuges do not have dependable or adequate water supplies.

I will soon again introduce legislation to restore waterfowl and fish in California's Central Valley. This bill will ensure that wildlife refuges receive adequate water supplies, additional habitat, and the North American waterfowl management plan is implemented.

My legislation will provide the Department of the Interior with the necessary direction to protect and restore wildlife resources. It will build upon ongoing efforts and programs.

I was delighted to learn in this article about the efforts of the Bureau of Land Management to restore wetlands in the Central Valley and elsewhere along the Pacific flyway. Every contribution—made by Federal, State, and private entities—toward protecting wildlife and their habitat is critically important.

Mr. Speaker, I commend this article to my colleagues.

[From the Los Angeles Times, Jan. 16, 1991]  
THE LAST REFUGE—FEDERAL BUREAU JOINS BATTLE TO ENSURE THAT PACIFIC FLYWAY HAS THE WETLANDS FOR WILDLIFE

(By Rich Roberts)

A thick layer of white blankets a harvested rice field near Colusa in California's northern Central Valley. It isn't snow. As visitors approach, the blanket stirs, and moments later rises like a cloud and disperses into a thousand snow geese on the wing.

"This gives me goose pimples," says Mike Mathiot, intending no pun. "These roost all the way up in Wrangell Island [in southeast Alaska]. The miracle of migration—I'll never get over it."

The Central Valley is used by 60% of the birds using the Pacific Flyway, the busiest of the four major seasonal migration routes for waterfowl in North America. Geese and ducks by the millions fly it south in the winter and north in the spring. About one-fourth of North America's waterfowl winter in the Central Valley. Others stop to rest and feed before continuing on to Mexico or Central America.

They need food, water, and shelter for nesting, but have found the selection of wetlands in California shrinking more than any other state—from more than 4 million acres before ranchers and farmers came, followed in recent years by developers, to fewer than 300,000 acres today.



The Central Valley, fed by the Sacramento and San Joaquin Rivers and their tributaries, has been hit hardest, losing 96% of its wetlands. It is estimated that since a peak in the mid-70s, flights along the Pacific Flyway have dropped by 40%, or 5 million birds.

When the decline became alarming, various conservation agencies and organizations—Ducks Unlimited, the Nature Conservancy, the California Waterfowl Assn., the Audubon Society, the Trust for Public Lands, the California Department of Fish and Game, the U.S. Fish and Wildlife Service—joined forces to regain some ground.

Now another major player has joined the fight, the U.S. Bureau of Land Management.

Historically overburdened and under-funded, the bureau brings one huge stake to the table—300 million acres of land, including 80% of Nevada. It owns 183 historic wetlands sites along the Pacific Flyway, encompassing 11 million acres, 271,100 in California. Mathiot's mission as Pacific Flyway wetlands administrator is to enhance what remains and restore the rest. The bureau plans to add 50,000 acres of wetlands in California.

In 1987 the bureau published "Fish and Wildlife 2000/a Plan for the Future," outlining its goals for this decade. A part of that was "Waterfowl Habitat Management on Public Lands," which became a mandate for the bureau's director, Cy Jamieson, when President Bush stated his strong feelings on wetlands—"no net loss"—meaning, if some wetlands are surrendered to development, they must be replaced elsewhere.

The bureau formed a partnership with Ducks Unlimited, coupling its massive landholdings with the know-how of that group, which has provided leadership in wetlands conservation since 1937. Then it hired Mathiot late last year.

Mathiot—dog trainer, coyote caller and most recently Quail Unlimited's successful organizer for Southern California—is no bureaucrat, and there are those who know more about wetlands. But there are not many with Mathiot's feel for the outdoors and his knack for getting things done. And what he doesn't know is at his fingertips. His office is in Ducks Unlimited's Western Regional headquarters in Sacramento.

But typically, Mathiot is found out in the gray, chill Central Valley, loping along levees and exploring potential wetlands. He is a determined, energetic man who attacks problems head-on. Since he lacks the patience for playing politics and bureaucracy wastes his time, his performance would be better measured by results than appearances.

Mathiot wrote his own program for implementing the bureau's plan. Wanting a catchy title to get people's attention, and without consulting Washington, he called it "WETT"—Wetlands Environments Today and Tomorrow. Then he got it approved.

Waving a copy of the plan, he vows, "I'm gonna bring that document to life."

He has already chalked up what he calls a "flagship project" in southern Oregon's Warner Valley, where 67,000 acres have been reclaimed for waterfowl, as well as other victories in Idaho and Montana.

"We're going to restore migratory waterfowl to 1970 levels," he says.

The only problem is money. In 1990 the U.S. Forest Service had a budget of \$102 million to administer its 191 million acres. The bureau had a little more than \$30 million for 270 million acres.

But Mathiot intends to acquire wetlands not only by purchase but through donation and what he calls "conservation ease-

ments"—one-time payments to farmers who agree to manage their property for waterfowl by planting the right crops and controlling their flooding and drainage.

The bureau also offer parcels of unsuitable land to developers and uses the money to buy and develop wetlands.

Historically, most of the money for wetlands has come from duck hunters. Some waterfowl fanciers don't reconcile killing with conservation but, traditionally, wetlands have been restored and maintained by wetlands hunters, either directly through their own projects or indirectly through their donations and licensing.

Last year Ducks Unlimited's 500,000 members kicked in \$67.5 million. About two-thirds of the Central Valley's wetlands is privately owned and managed for duck hunting. In California, it costs \$41.50 to hunt wetlands—\$21.50 for the basic license, plus a \$12.50 federal migratory waterfowl stamp and a \$7.50 state duck stamp.

Mathiot says, "Hunting clubs are absolutely critical to waterfowl survival. Without them we would be in serious trouble. Let's face it, it was a bunch of hunters that started Ducks Unlimited."

Colusa, set hard against a levee of the Sacramento River upstream from the capital, is a town where hunters walk the streets in camouflage clothing without drawing a second glance. At the Richmond Hunting Club, Mathiot watches a hunter bring down a snow goose.

"Out of a thousand geese, he got one and it cost him \$40, all of which goes to habitat," Mathiot says. "Hunting is a very legitimate use of the resource."

Not only legitimate but critical, says advocates, who fear that a successful anti-hunting movement would cripple wetlands and doom not only ducks but the 30% of the nation's endangered species that live there, not to mention the vast majority of nongame wildlife that make wetlands their home.

Currently, many rice fields are disc harrowed into dirt or burned after harvest to destroy straw that harbors the fungus that causes stem rot in the next year's crop, leaving them useless for waterfowl. There is a clear example on opposite sides of a levee bordering the Colusa National Wildlife Refuge: on one side, greenery and fields flooded to a few inches' depth, with an abundance of ducks; on the other, only dirt.

Mathiot hopes to acquire and turn 500 acres of that dirt into wetlands.

Elsewhere, it's a more congenial world for waterfowl.

"I'm going to show you what California looked like 250 years ago," Mathiot says.

He heads south toward the 1,400-acre Cosumnes River Preserve developed by Ducks Unlimited and the Nature Conservancy, where 1,200 acres of wetlands have been restored since 1987. Mathiot hopes to acquire 500 more adjoining acres.

The small river winds through groves of valley oaks into ponds where flocks of threatened sandhill cranes stand tall in ankle-deep water. The oaks themselves were endangered by clear-cutting years ago, but Nature Conservancy volunteers have replanted 15,000 seedlings.

Consumes, where no hunting is allowed, is managed by Ducks Unlimited biologist Ed Collins, who restored wetlands on 31 national wildlife refuges before retiring from the Fish and Wildlife Service. Now he spends his time educating adjacent farmers about waterfowl and their needs. Some rice farmers have been persuaded to leave their fields in stubble for feed and not to drain them until July, when the ducklings have grown.

Downstate, at the DFG's Mendota Wildlife Area near Fresno, hunting is allowed, but manager Bob Huddleston runs the 12,500 acres as he pleases, flooding and draining ponds at optimum times.

Huddleston is cryptic: "While 2% of Californians are hunters, only another 2% are environmentalists, and the others don't care." Because he cares, Huddleston grows crops, including rice, but only to feed the waterfowl.

"Basically, that's what we are—a farm, except we don't harvest the crops," he says.

North, at Los Banos, the birds are in trouble. Burlingame Investments, owned by a Hong Kong consortium, plans to build 1,500 homes between the north and south sections of the federal Grassland Wetlands, comprising 31,000 and 21,000 acres, respectively. Half of the Central Valley's waterfowl winter there.

Gary Zahm, who manages the areas for the U.S. Fish and Wildlife Service, was quoted by the San Francisco Chronicle recently, "What bothers us biologically is interrupting the Grasslands' water flow from south to north. Also, people living right next to a wetland impact the natural system. They want you to start spraying mosquitoes with pesticides, which hurts the food chain for waterfowl. Then you gets cats, dogs . . ."

This is what waterfowl have been up against, especially in California. But with Mathiot and the bureau adding their muscle to the cause, perhaps it can be what it was 20 years ago.

The prospect is enough to give someone goose pimples.

## FEDERAL COAL EQUITY ACT OF 1991

### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, it should be noted that the Federal Government owns about one-third of the Nation's coal, the majority of which is located in the Western States. Through the Bureau of Land Management, this coal is made available under a leasing program.

There are, to be sure, a number of issues relating to this program that continue to generate controversy. These matters all deserve consideration by the Congress. However, two issues in particular are deeply troubling to this gentleman from West Virginia.

First, by most accounts, the more stringent electric utility emission requirements contained in the recently enacted Clean Air Act reauthorization will foster a dramatic increase in demand for federally owned low-sulfur coal reserves in the Western States. In fact, BLM Director Cy Jamieson has been reported in various press accounts as relishing the prospect of increased Federal leasing activities.

A policy question I believe needs to be addressed is whether these publicly owned coal reserves would be developed to the detriment of coal already in production from private lands located in the Appalachian and Midwestern States, displace this coal from its historic markets and consequently, contribute to the loss of employment in the mining of this coal.

I, for one, believe that if market demand is being met with non-Federal coal resources it would not be appropriate for the Federal Government to arbitrarily become a competitor by utilizing its control over publicly owned coal.

However, BLM refuses to even consider the effects the development of a proposed Federal lease might have on coal markets that have traditionally been met by coal produced in the Appalachian and midwestern regions. This flat-out refusal to consider the full implications of Federal coal leasing activities is of grave concern to me and I hold that it reflects an inequitable approach to the management of public resources.

The fact is that Federal coal is owned by all of the people of the United States. The Interior Department and the Bureau of Land Management are simply the agents of the people in the management of these resources, and in my mind, good stewardship should include the interests of all of the people, not just a select few.

In an effort to broaden the scope of the BLM's consideration of market demand as it relates to the Federal Coal Leasing Program, today I am introducing the Federal Coal Equity Act of 1991.

Under existing law, prior to issuing a Federal coal lease, the Secretary of the Interior is required to consider the effects of leasing on communities in the area, the environment, on agriculture and on other economic activities and public services. The legislation I am introducing today would simply add one additional consideration.

The Federal Coal Equity Act of 1991 would require the Secretary of the Interior to consider the effects, if any, development of a proposed Federal lease might have on coal production, and the markets for that coal, located east of the 100th meridian. If development of the Federal coal lease would have an adverse effect on the production of this coal by displacing it from its historical markets, the Federal lease could not be issued.

Another issue of concern involves the increase in foreign coal entering the country, especially from Colombia and Venezuela. These coal imports represent a tumor on the energy security of this Nation. This tumor can only be diagnosed as being malignant; growing and spreading throughout the electric utility markets of the gulf and Southeastern States with foreign coal even penetrating the northeastern region.

The legislation I am introducing today seeks to address one of the factors which have been an essential element in the establishment of new mining operations in both Colombia and Venezuela: the financial and technical expertise of United States mining entities. In this regard, the legislation would prohibit the issuance of new Federal coal leases to any entity which is involved in the production and importation into the United States of foreign coal. From a public policy standpoint, I see no reason why the people of this country should award these companies with public coal resources when these very same entities are responsible for robbing citizens in my State of West Virginia, of employment opportunities.

Mr. Speaker, this legislation by no means represents my view that the matter it seeks to address is the only issue involving the Federal

coal management program that deserves consideration by the Congress. There are others, and I would imagine that as our investigations continue we will be in a position to consider them in the future as well.

#### IN HONOR OF HAROLD GENKIN

#### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Harold Genkin, who is retiring from his position as principal of John Jay High School in New York City. His retirement brings to a close 35 years of dedicated service in the New York City schools system.

Teachers are our communities' unsung heroes. We rely so heavily upon them to guide our children, to educate them and to be role models for them in their formative years. Often we take them for granted. We assume that they don't need accolades or other forms of outward appreciation. But when a man like Harold Genkin decides to retire and we see all of his accomplishments after 35 years, we are reminded of the great dedication of the teachers and administrators in our school systems.

During his career, Harold has been an exemplary figure in all of his capacities. He began as a teacher and grade advisor at Erasmus Hall High School, and moved on to be a guidance counselor and administrative dean of Canarsie High School. From there he became assistant principal and principal of Pacific High School. His final stop was as principal of John Jay High School. Harold was also active in positions beyond his regular school duties. He has served as president of Alternative High School Principals Association and chairman of the National Association of Secondary School Principals Urban Studies Committee. In these positions Harold has shown his leadership in education through an active participation in the organizations that help make policy in the New York City school system.

As a former teacher in New York City I am well aware of the many fine people who work in our educational system. They are underpaid and underappreciated. But their love of teaching and helping young people is what makes for people like Harold Genkin who spend their lives in education. Harold is a special member of his profession, one that will be sorely missed. I would like my colleagues in the House of Representatives to join me in paying tribute to Harold Genkin for his great service in our schools. We wish him the best in his retirement and congratulate him on an outstanding career.

#### PARLIAMENTARY SPEECH OF AUSTRALIAN PRIME MINISTER HAWKE ON ALLIED ACTION IN THE PERSIAN GULF

#### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SOLARZ. Mr. Speaker, On January 21, shortly after the historic U.S. Congressional debate on the Persian Gulf, the Parliament of Australia convened in special session to consider the Australian Government's decision to participate in military operations in the gulf authorized by the United Nations Security Council.

As you may know, Australia has been a strong supporter of United Nations actions during this crisis, and has sent to the gulf three ships of the Royal Australian Navy, which are serving as part of the Midway Carrier Battle Group. In addition, Australia has sent four medical teams that now serve on ships in the region, a logistic support team, and a clearance diving team of 23 men.

I am happy to say that the Australian Parliament overwhelmingly affirmed its support for Australian Government actions and policy in the gulf, and expressed "full confidence in, and support for, Australian forces serving with the UN-sanctioned multi-national forces."

Mr. Speaker, none of this should be surprising to those who are familiar with Australian foreign policy, as the Australian Parliament's action was thoroughly consistent with Australia's deep commitment to respect for international law.

In an eloquent speech at the conclusion of the Parliamentary debate on January 22, Australian Prime Minister Robert Hawke related allied action on this issue to the development of a system of collective security within the United Nations framework. Stating that the allied nations have resorted to the military option with "the greatest reluctance and deepest regret," he noted that the alternative in this instance would represent a failure for the newly developing system of collective security in its first major post-cold war test against aggression.

Mr. Speaker, it means a great deal to our country, and to me personally, to know that Australia stands with us—as it has in four previous conflicts during this century—in defense of common values and beliefs.

I insert the text of Prime Minister Hawke's Parliamentary speech on the Persian Gulf in the RECORD:

#### PARLIAMENTARY SPEECH BY THE PRIME MINISTER, MR. ROBERT HAWKE ON AUSTRALIA'S SUPPORT FOR THE UNITED NATIONS ACTION IN THE PERSIAN GULF

Following is the text of the speech made by the Prime Minister, the Mr. Robert Hawke, at the conclusion of the parliamentary debate on 22 January 1991.

Mr. Speaker, the last two days of Parliamentary debate have been of historic significance. One of the most serious issues ever to come before it: The commitment of the Australian Armed Forces to support military action authorized by the United Nations in the Gulf.



I want at the outset to express my thanks to all those who have contributed to this debate, regardless of their party affiliation—a debate which has lasted more than twenty hours and has involved more than one hundred speakers. I realize that this has not been an easy issue for any of us to confront. For the first time in twenty years, Australian Forces are committed to combat. It will be to the lasting credit of this Parliament that we have confronted and debated this issue with realism, patience and a shared concern for the best interests of the nation.

I am deeply gratified that this resolution will clearly be passed, and with an overwhelming majority.

In concluding this debate, I want to repeat my thanks to the leader of the opposition, the leader of the National Party, and the other members of the opposition who have expressed their support for Australia's current involvement in the gulf.

It is vitally important, as we carry out our responsibilities in the gulf, that we maintain the shared spirit of commitment to Australia's national interests that has characterized this debate. It is important because we need to send a coherent and strong message to the world.

This message will fortify our serving personnel on board the Brisbane, the Sydney, and the Success.

This message will encourage our allies in the United Nations coalition, including those who have already in this war lost men and materiel. In the morning I will be meeting with the heads of mission of all countries who are taking action in support of the UN resolutions on the gulf and conveying to them the strength of this Parliament's support for those resolutions.

This message will, with its specific condemnation of Iraq's unprovoked attack on Israel, tell the people of Israel of this parliament's sympathy with them at this time of crisis, and of our respect for the restraint which they have displayed over recent days.

This message will underline our concern that once this crisis is over there will be intensified efforts to establish peace and stability in the Middle East—including a just resolution of the Palestinian issue and the continuing security of Israel.

And it will underline—very clearly and decisively—the support of this parliament for the resolute way this crisis has been handled by the United Nations, in defense of the principles of national sovereignty and collective security.

Mr. Speaker, it is also important that we send a clear message to the people of Australia. Because as I said yesterday, it is important as we confront this crisis in Iraq that every Australian understand the facts of the situation.

The message we will be sending to the people of Australia, with the passage of this resolution, will be a message that regardless of the widespread and innate distaste we all feel for war—regardless of the hazards being undergone by our Armed Forces in the gulf—we see support for this resolution as thoroughly and intrinsically consistent with our highest duties as the elected representatives of the people of Australia.

The allied nations did not want this war. We did not start this war. We tried hard to resolve the dispute by diplomacy. We have only with the greatest reluctance and deepest regret resorted to the military option.

And the majority of Australians understand the magnitude of Iraq's challenge to the world community and the importance of

our campaign to meet and overcome that challenge. Compassion and sorrow, including for the Iraqi people, are not the exclusive preserve of those who oppose the war but are shared by this government and by all Australians.

It would, of course, be much easier if we could simply sit this out on the grounds that war is terrible, but we members of Parliament, least of all people, cannot abrogate our responsibilities and opt for the easy arguments with which some may feel more naturally comfortable. We owe it to ourselves and to our fellow citizens to examine with intellectual rigor this very complex situation.

Throughout the history of humankind, some have found it easier to go to war than others. And it has not always been true that those who found it easiest were necessarily the wisest. Let me say that I understand that those members who have said they cannot bring themselves to support this resolution have spoken from the heart. But this grave issue requires not just the heart but the head.

As previous speakers have acknowledged, the stakes in this conflict are very high, not only for Kuwait but for all countries, great and small, who may depend on a system of collective security for national survival.

If this system fails us now, at its first major test against aggression, the consequences for our security are disturbing indeed.

I might mention here my disappointment at the comments of some opponents of Australia's stance who, while previously stressing the importance to United Nations mechanisms involving international disputes, have now abandoned that approach at the very time the UN is proving to be an effective body.

Let me remind honorable members, as I did in my statement to this Parliament on 4 December, of Dr. Evatt's prescient view about the obligations of nations in circumstances such as we face today. In 1945 he said:

"It must be made crystal clear that the nations seeking representation in the world's organization must be prepared to contribute their share of physical force to restrain the action of proved aggressors."

It was crystal clear in 1945, and it remains so today. This country did not question its truth then, nor should it now.

Mr. Speaker, both the leader of the opposition and the leader of the National Party made mention of the government's white paper on defense and questioned its adequacy as a framework for Australia's policy in the light of the current crisis and its global dimensions. On the contrary, the white paper explicitly recognized that we may need to deploy forces far from Australia's shores, and ensured that the Australian Defense Forces would be able to meet that threat.

Paragraph 1.17 of the white paper explicitly states, and I quote:

"Options will always be available to Australian governments for assistance to allies . . . the type of Australian force structure required to protect our interests in our area of military interest entails substantial capabilities for operations further afield. For example, our guided missile frigates (FFG's) equipped with Seahawk helicopters are capable of effective participation in a U.S. carrier battle group well distant from Australia's shores."

That is precisely what our ships are doing in the gulf.

The fact that we were able to respond swiftly and appropriately to this present cri-

sis in itself demonstrates, I believe, that our defense framework is right and appropriate to Australia's needs.

Mr. Speaker, this government firmly believes that we have taken the right decision on behalf of the Australian people.

The news of each passing day confirms that belief. Most recently, we have been treated to the news that Saddam Hussein's abuses of international conventions have reached new depths with his threats to use allied prisoners of war in Iraq as human shields at strategic sites.

It is difficult to find words which adequately express our outrage at this latest development. Iraq's treatment of prisoners of war is in blatant breach of the Geneva Convention and is against natural human decency.

This parliamentary resolution is one way, an important way, in which we can demonstrate, as a nation, where we stand in this dispute with this dictator. It is a way of sending a signal to the world.

Mr. Speaker, I take this opportunity to pay tribute to those Australian men and women serving in our embassies in the region, especially those in Riyadh, Tel Aviv and Amman, and, until just before the fighting began, in Baghdad itself. In Riyadh and Tel Aviv, of course, our staff have been hearing the missiles fall.

At considerable risk to their own safety, these staff have been working throughout the conflict to try to ensure the safety of fellow Australians who remain in the region. I am sure that all members of this Parliament join me in acknowledging their courage and professionalism.

Mr. Speaker, the 1990's began with the highest of hopes—that peace would be given a chance, that former superpower rivalries and tensions would give way to a new world order of cooperation among nations, one in which ordinary men and women could get on with their lives and enjoy the fruits which a peaceful world can bring.

Saddam Hussein's great crime is that he is destroying these hopes. If he is not stopped, the decade, the twentieth century, will end in hopes darkened and aggression again triumphant.

Young Australian defense personnel are in the gulf to stop this happening. It is important that they know that this Parliament and the overwhelming majority of the Australian population are fully behind them.

By supporting this resolution today, members of this Parliament will, on behalf of all Australians, demonstrate their understanding and support for the task these Australians are to perform.

## RABBI SIMCHA FREEDMAN ON THE WAR IN THE GULF

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. LEHMAN of Florida. Mr. Speaker, the conflict on the Persian Gulf has made for intense feelings among the people of the 17th Congressional District.

Rabbi Simcha Freedman of Congregation Adath Yeshurun in North Miami Beach made some remarks during a recent rally in support of our troops which are shared by many in our community. I would like to reprint them in the RECORD at this point.

His statement follows:

#### INVOCATION

DEAR G-D—FATHER OF PEACE

Philosophers have said that all that is necessary for the triumph of evil is for men of good will to do nothing.

And that

The price of liberty is eternal vigilance—and our tradition has stated that the world is founded upon 3 pillars—Truth, Peace and Justice.

Peace cannot exist without Truth and Justice.

It is in the pursuit of truth and justice that the good men and women of the United States and her allies are demonstrating (at great sacrifice) their eternal vigilance so that evil might not triumph and that real peace shall be given a chance to prevail and so may it be.

Amen.

#### REMARKS

Dear Fellow Americans, I wonder about those who are singing "Give peace a chance", and I wonder about the slogan "No blood for oil!"

What would these same protestors have said during the War of Independence from England in 1776. They probably would have said "No blood for tea", not realizing that America came into being by demanding "No taxation without representation" and that Thomas Jefferson and Tom Paine and Benjamin Franklin and George Washington and the Minute Men fought for freedom against tyranny.

And I wonder what if the sloganeers would have been living during the Civil War. They would probably have screamed "No blood for cotton", not realizing that Abraham Lincoln and Ulysses S. Grant and Stonewall Jackson fought to preserve the Union and for freedom from slavery.

And if the protestors had lived during the World Wars they probably would have screamed "No blood for foreign entanglements", not realizing that America fought against the Nazi's and the axis powers and for freedom from racism, hatred and totalitarianism.

These wars were fought to preserve the very freedoms that the so-called peace protestors are abusing so blatantly. What irony!

We all want peace. Even Saddam Hussein. But he wants a piece of Kuwait and a piece of Saudi Arabia and a world in pieces so that he can devour it—piece by piece.

We know, our history has taught us, that peace must be fought for in order to be preserved.

Yes we can have the peace of the comatose, the paralyzed and the asleep but that is not the peace that we have fought for throughout our history.

Indeed, we can even "rest in peace"—under the domination of those who would enslave us—but that is not the peace we have fought for throughout our history.

What we want, what we have fought for, is Peace with Justice. Peace with decency and equality. Peace with Freedom.

That is the only peace worth living for

.....

That is the only peace worth dying for

.....

G-d bless the United States of America, one Nation, under G-d with liberty and justice for all.

#### BENEDICTION

Dear G-d, You have told us in your Holy Bible to pursue peace. But you have also in-

structed us "Thou shalt not murder," and that we must punish the murderer.

You have told us in your Holy Bible to pursue peace. But you have also told us "Thou shalt not steal" and that we should punish the thief and robber.

Saddam Hussein and his army are guilty of murder and stealing and raping and pillaging and destroying.

We understand that to pursue peace we must eliminate the perpetrators of such terrible crimes.

Dear G-d,

Bless the men and women of the armed forces of the United States of America and our allies so that we may do Thy will and create the kind of peace where evil is destroyed and justice and freedom shall prevail.

Amen.

#### ENCOURAGE RATHER THAN RESTRICT MINORITY-STUDENT SCHOLARSHIPS

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of the State of Florida's resolution opposing the U.S. Department of Education's recently announced policy on minority-student scholarships. The Department of Education has raised questions about the legality and appropriateness of minority-student scholarships. I am deeply concerned that the current administration, by issuing this policy, would restrict minority access to scholarships at a time when educational opportunities are already significantly hampered by the skyrocketing costs of post-secondary institutions. Mr. Speaker, I am inserting Florida's resolution in the CONGRESSIONAL RECORD in the hopes that my colleagues will actively support a change in the Department of Education's policy to encourage rather than restrict minority-student scholarships:

#### RESOLUTION OF THE STATE OF FLORIDA

Whereas, the United States Department of Education recently announced a six-point administrative policy prohibiting race-exclusive financial aid; and

Whereas, the chilling effect of this strict interpretation of administrative policy will severely hamper Florida's ability to grant scholarships as provided for in statute for minority students; and

Whereas, this most recent administrative policy has the potential for negative impact on efforts in Florida to recruit, retain, and graduate minority students from postsecondary education should statutes have to be repealed: Now, therefore, be it

*Resolved*, That the Governor and Cabinet of the State of Florida do hereby petition the President of the United States to intervene on behalf of all minority students to ensure that restrictive language, that would impede or otherwise prohibit minorities and disadvantaged persons from pursuing educational advancements through scholarship opportunities, be eliminated from federal policy; be it further

*Resolved*, That the Governor and Cabinet of the State of Florida hereby affirm their commitment to provide to the fullest extent possible, scholarship assistance to all minorities

in order to further their educational pursuits.

#### RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing legislation that if enacted, would legalize, validate and confirm, as far as U.S. Government interest is concerned, the conveyance of certain lands in California that were granted by the United States to the Central Pacific Railway through the act of July 1, 1862; 48 parcels of land in two counties are covered under the bill, all of which formed parts of the 400-foot wide right-of-way granted to the Central Pacific, now known as the Southern Pacific Transportation Co.

The need for this legislation arises from the terms of the 1862 act, under which the Federal Government provided land grants to individuals to encourage the development of railroads. The Central Pacific Railway, during the late 1800's and early 1900's transferred the titles of unneeded land along the 400-foot wide right-of-way to private property owners whose land abutted the railway. However, because congressional consent was not obtained at the time of these transfers, the titles remain clouded; only through legislation such as that I am proposing can the owners obtain clear title to the land they have held and paid taxes on for decades.

While the legislation may appear to be minor, the lack of congressional validation has created a host of difficulties to both communities and individuals along the railroad. In Truckee, CA, the right-of-way extended to the opposite side of a river from where the railroad was built—clearly, that land was never needed by the railroad and was transferred to the adjacent property owners. To this day, though, their titles remain in question.

The question has been raised as to whether the Government should obtain fair market value for the parcels of land covered by the bill; however, these small strips of land have little value to anyone but the adjacent property owners. For example, the total amount of land involved in this legislation in the Truckee area is about 2.035 acres of land. Unfortunately, this relatively small piece of property affects, I believe in a disproportionate manner, the title of 39 property owners in Truckee. Furthermore, it would cost the Federal Government more to conduct the appraisals necessary to attempt to determine the fair market value of each parcel than it could possibly get for the land, creating only an administrative nightmare.

Another issue that might be raised with respect to the conveyances in this bill is that of third party interest in the land. Southern Pacific, however, has carefully researched the history of each property before issuing quit claim deeds in order to ensure that claims to the property were not in contest and that only the successors in interest received the deed to the land. In addition, this legislation protects



third party claimants through language in section 7 which exempts any conveyance arising out of adverse possession from validation.

Mr. Speaker, only congressional action on this legislation can finally resolve the title uncertainties set in motion over 100 years ago. In light of the long delay endured by the individual property owners along the railway in obtaining clear title to the lands they have long believed to be legally their own, I urge my colleagues to support this legislation.

A TRIBUTE TO LT. THELMA  
SWARTZ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding resident of my congressional district. Recently, Lt. (Mrs.) Thelma Swartz assisted in her 10,000th call at the Clara Barton First Aid Squad Auxiliary in Edison, NJ, which is my place of residence.

As a volunteer since 1973, Mrs. Swartz has selflessly served Edison township, saving countless lives throughout the area. Through her years of dedicated service as an emergency medical technician [EMT], squad members and policemen alike throughout the community have grown to know and respect her judgment and look to her for guidance in times of great emergency. She never ceases to maintain her energetic, kind and pleasant demeanor—no matter how great the crisis. I understand that many in Edison will join together to honor Thelma and her invaluable contributions to the community on February 16, 1991. I am honored to join in this celebration and commend Thelma's 17 years of essential service to the citizens of Edison township. It is my hope that Edison will continue to benefit from Thelma's service for many, many years to come. I am certain her husband and two sons, Tom and Jerry, are equally proud.

Lieutenant Swartz is certainly deserving of this recognition. Her significant accomplishments to the emergency profession and the remarkable impact she has had on the lives of thousands of area residents, has certainly endeared her to the hearts of many throughout the Edison community.

THE FINE WORK OF THE UNITED  
JEWISH APPEAL

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SHAYS. Mr. Speaker, I want to let you and my colleagues know of the fine work being done by the United Jewish Appeal.

For more than half a century, the annual United Jewish Appeal/Federation Campaign has been the primary instrument for the support of humanitarian programs and social services for Jews in local communities throughout the United States, as well as in Israel and 33 other countries around the world.

To support these vital services, Sunday, February 3, 1991, has been declared National Super Sunday by the United Jewish Appeal. During the day, volunteers in communities across the United States will be calling their Jewish neighbors to seek contributions to the annual United Jewish Appeal/Federation Campaign.

In the United States, campaign funds help provide counseling for troubled families and individuals, Jewish education for children and adults, including recently arrived Jewish immigrants from the Soviet Union, visits for homebound elderly, Jewish cultural programs, and Jewish homes for the aged.

In Israel, campaign funds help absorb, educate and settle new immigrants, build villages and farms in rural areas, support innovative programs for troubled and disadvantaged youth, and promote revitalization of distressed neighborhoods. In 1990, nearly 100,000 Jews arrived in Israel from the Soviet Union. It is estimated that 1 million will arrive by the end of 1993. An extraordinary amount of funds will be needed to help Israel meet the challenge of integrating that wave of immigrants into their country.

In 33 other countries around the world, campaign funds provide kosher meals, Jewish education and culture, clothing, and health care to Jews in need.

The United Jewish Appeal/Federation Campaign strengthens local Jewish communities and establishes a secure and vital future for Jewish people worldwide.

I'm proud of all the good work the United Jewish Appeal/Federation Campaign accomplishes. And I salute the many volunteers throughout the country who give their time so unselfishly to help others.

DEPOSIT INSURANCE LIMITATION  
ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Deposit Insurance Limitation Act. When I offered this bill last year I pointed out the incredible cost of the S&L crisis, a staggering \$300 million and that cost has only increased. I said we had made a good start with FIRREA, but that we hadn't tackled the problem of deposit insurance reform, all we did was request a study. Well, I went after deposit insurance reform and this bill was the result.

The savings and loan crisis has shown us the flaws in deposit insurance. When it was introduced in the 1930s deposit insurance was intended to raise the confidence of depositors and put a halt to bank runs. Even then experts warned about the possible ill effects of deposit insurance; they worried about a decline in ethics in banking and a lack of depositor discipline that would create a vast potential for abuse. It's amazing how right they were. A large part of the problem is the extension of coverage to \$100,000 per account, a move that led to brokered deposits, multiple accounts and investors who never worried about an institution's stability, just what interest they were paying.

Halting such practices, restoring the original intent of deposit insurance, and reducing the potential cost to the insurance fund and the taxpayers is the purpose of this bill. Essentially, this bill amends the Federal Deposit Insurance Act and the Federal Credit Union Act to do the following:

First, reduce Federal deposit insurance limits to a total of \$100,000 per person rather than per account, and limit such coverage to once in a 36 month period.

Second, authorize the FDIC Board of Directors and the National Credit Union Administration Board to set up regulations to monitor such coverage.

Third, it protects the "pass-through" coverage of qualified pension accounts and exempts them from the aggregate limit.

Fourth, it maintains the existing coverage of public funds held by agents of State, local or the Federal Government.

The Congressional Budget Office released its report on deposit insurance late in September 1990, after I originally introduced this bill. They raised questions about limiting insurance in this fashion. Let me answer their concerns. Will such limits apply only to people? The bill says "person" and corporations and trusts are considered persons under the law. Does it affect government bodies? No. Is this a lifetime? No. How will this coverage be enforced? The report itself says that technology today is adequate, though there could still be cheating. I don't claim this bill is foolproof, but I can't imagine enough cheating to seriously erode the reduction in insurance fund exposure this bill would bring about.

The Deposit Insurance Limitation Act, simply by limiting coverage to \$100,000 per person, will have the effect of reducing the insurance fund's exposure by approximately 16,000 times. That is the approximate number of federally insured financial institutions in the country. Obviously, the average American is not going to have 16,000 \$100,000 accounts, but those investors who have multiple accounts—investment banks, brokerage houses, the very wealthy—are going to be exposed. That is the point, these are the people who have the ability to learn about the banks they are using. Let them show a little discipline, a little care. They have brokers and analysts and advisors, use them.

This body was concerned with these large chunks of federally insured money. FIRREA put a limit on brokered deposits; they can go to adequately capitalized banks and thrifts only. Last year, the Chairman of the FDIC, William Seidman, testified about them before the House Committee on Banking, Housing and Urban Affairs. He said that, "Brokered accounts can represent a valuable liquidity management tool for all financial institutions" and added that "the problem is not brokered deposits per se, but how these funds, like any other funds, are used." He pointed out that the FDIC has several regulations that govern such deposits. That's fine, and my bill adds one more safety mechanism: depositor discipline. If a bank has a liquidity problem and it is well run, then the brokered deposits will go there, with or without insurance. If it isn't well run, then let's remove the incentive for putting money into it and making it one of the walking dead.

The Chairman of the Federal Reserve System, Alan Greenspan, in testimony before the Senate Committee on Banking, Housing, and Urban Affairs in July of this year said, "Serious study should be devoted to the cost and effectiveness of policing the \$100,000 limit so that multiple accounts are not used to obtain more protection for individual depositors than Congress intends." The Deposit Insurance Limitation Act requests that the FDIC establish just such a policing mechanism.

My bill will not hurt the average investor, who has savings of roughly \$8,700. The safety of his or her deposits will remain the same. Nor will my bill jeopardize their pension funds, large or small. My bill takes the burden of insuring these multiple chunks of federally insured money off of the FDIC and the American taxpayer. It puts the burden squarely where it belongs, on the people and corporations whose money it is. They have the knowledge and capabilities to invest it wisely and safely.

The deposit insurance system was designed to promote stability in our banking system and to protect the average, less sophisticated depositor. It has become a system which promotes carelessness and greed. The Deposit Insurance Limitation Act brings us back toward that original intention. It will encourage large, sophisticated depositors to exercise discipline concerning their investments. Their discipline will encourage banks to follow more conservative, safer policies in order to attract depositors, thereby strengthening the entire banking system. At the same time, my bill continues to protect the average depositor.

Reforming deposit insurance is the key to protecting the banking industry from future failures. My bill provides some of those reforms. I ask all my colleagues to join with me, CHRIS SHAYS, ANDY IRELAND, GUY VANDER JAGT, and TOM DELAY in cosponsoring the Deposit Insurance Limitation Act.

**JOHN G. RANGOS, SR., 1991 RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR SOCIETY'S NATIONAL PATRIOT AWARD**

**HON. WILLIAM J. COYNE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. COYNE. Mr. Speaker, I rise today to honor Mr. John G. Rangos, Sr., who is the 1991 recipient of the Congressional Medal of Honor Society's National Patriot Award. An active environmentalist, John Rangos has been recognized by the Congressional Medal of Honor Society for his continuing demonstrations of patriotism and dedication to freedom.

I am proud to include John G. Rangos, Sr., among my constituents, and I know the city of Pittsburgh is equally proud and grateful for his many contributions to our city. John Rangos had long been a pioneer in the development of responsible solutions to our country's solid waste disposal needs, as well as an active patron of civil organizations in Pittsburgh and across the Nation.

John G. Rangos, Sr., is the founder, president and chief executive officer of Chambers

Development Co., which is headquartered in Pittsburgh. Since 1971, Chambers has compiled an outstanding record of service, environmental protection, and cost effectiveness in providing comprehensive waste treatment services to municipalities, business, and industry. Operating in 16 States, Chambers serves more than 100 municipalities and 24,000 commercial businesses across America.

At a time of increased concerns over the disposal of municipal and commercial solid waste, John Rangos has been working to develop much-needed recycling alternatives to landfills and incineration. Chambers has established successful recycling programs in Pennsylvania, Indiana, Rhode Island, Texas, Virginia, South Carolina, and New Jersey, and has been selected to process recyclables for the city of Pittsburgh.

As the Members of the House know, a successful national recycling effort depends upon the growth of commercial recycling programs. John G. Rangos has led Chambers Development Co. throughout its development of commercial recycling programs for corrugated paper, cardboard, glass, plastics, and aluminum and bimetal cans.

Yet, in addition to his business efforts, John G. Rangos is well known in his community for his civic contributions and his generous support of cultural, educational, medical and social service endeavors. He has been especially active in promoting medical research efforts at the Children's Hospital of Pittsburgh, where his gift of \$3 million has endowed the Rangos Research Center. In addition, John Rangos serves on the board of Duquesne University, and has also provided generous support to the Leukemia Society, United Cerebral Palsy, Muscular Dystrophy, the Pittsburgh Opera, the Matthew B. Ridgway Center for International Security Studies, and many other fine organizations.

In designating John Rangos the 1991 recipient of the National Patriot Award, Congressional Medal of Honor Society president, J. Elliott Williams noted, "John Rangos serves as an outstanding example of today's citizen hero—a person committed to the principles of the Patriots Award. He is dedicated to freedom, he has a love of his fellow man with no qualifications and has an allegiance to our flag, fully understanding its demands without reservations."

Chartered by the U.S. Congress through legislation signed by President Eisenhower in 1958, the Congressional Medal of Honor Society is a nonprofit organization whose membership is restricted to recipients of the Medal of Honor. Currently, the organization represents 213 living Medal of Honor recipients, and includes veterans of World War II, the Korean war, and Vietnam whose acts of bravery or self-sacrifice were above and beyond the call of duty.

The National Patriots Award is a medallion bestowed upon those individuals who have exhibited the values described so eloquently by society president, J. Elliott Williams, in his tribute to John Rangos. Previous recipients of this award include former House Speaker Carl Albert, Lee Iacocca, Ambassador Philip Habib, Jimmy Stewart, George Meany, and many other outstanding Americans.

Mr. Speaker, I am very pleased to see John G. Rangos, Sr., join this illustrious assembly. I commend the members of the Congressional Medal of Honor Society for their selection of this year's National Patriots Award recipient. I know that John Rangos will continue to merit this honor through both his environmentally responsible business endeavors and his much valued civic contributions, and I salute him for these efforts.

IN MEMORY OF GAYLE McCANDLESS, MAYOR OF CHULA VISTA, CA

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. CUNNINGHAM. Mr. Speaker, Chula Vista Mayor Gayle McCandless, for reasons known only to our Father in Heaven, was called from this Earth this past January 17 at the age of 36.

She had been mayor of Chula Vista for only 2 months. But in doing so, she had fulfilled a dream she had kept nearly since childhood, to lead the southern California hometown she so dearly loved.

Mayor McCandless demonstrated her remarkable leadership abilities from an early age. As a 17-year-old, she led the city's youth commission. At age 18, she served on Chula Vista's environmental control commission. Six years later, at age 24, Gayle McCandless was appointed to complete the term of a resigning city councilman, won election to the council seat in the following year, and in 1985 won reelection. While on the city council, she spoke out as a strong advocate for senior citizens, literacy, accessible day care, and prudent stewardship of the environment.

The people of Chula Vista rewarded her outstanding record on the city council by electing her their mayor this past November by a huge majority.

And yet, today, the people of Chula Vista mourn, wondering what potential for their city has been left unfulfilled by the loss of such an outstanding leader as Gayle McCandless.

What I would imagine Gayle would want is for the leaders and the people of Chula Vista not to mourn, but to continue her tradition of hard work, honesty, integrity, and devotion to her community. If Chula Vista is to continue growing and prospering, its people must take upon themselves the yoke of duty and service, and thereby continue blazing the trail begun by their outstanding, dearly departed mayor.

May the soul of Gayle McCandless rest in peace, and may her family and her many admirers take comfort in her splendid legacy of compassion and service.



# CONGRESSIONAL CONDEMNATION OF IRAQ TERROR ATTACKS AGAINST ISRAEL

**HON. HOWARD WOLPE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. WOLPE. Mr. Speaker, I strongly endorse the unanimous vote of support for House Concurrent Resolution 41, a resolution condemning the Iraqi military attack on Israel.

If there are any innocent bystanders in the allied war against Iraq in the Persian Gulf, it is the people and Government of Israel. Iraq's aggression against Kuwait was a violation of the sovereignty of one Arab state by another. The worldwide coalition that has been assembled to oppose Iraq was forged by the United States working through the United Nations. Israel played no role in responding to the invasion of Kuwait, and is not a military participant in the coalition now engaged in war against Kuwait pursuant to the authorization of the Security Council. Israel has not initiated any hostilities of any kind against Iraq.

Israel, however, is being used in the most cynical, brutal, and amoral way by Saddam Hussein. The cover for his brutal assault against Kuwait is that he was doing it to help the Palestinians and their cause. The civilized world, thank goodness, is not susceptible in any way to such lies and duplicity. If anything, the alliance between Saddam Hussein and the PLO has been a grave setback to the political aspirations of the Palestinian people; their identification with Saddam's murderous objectives of plundering Kuwait and destroying Israel have severely undercut the hopes of moderate voices in Israel and among the Palestinians themselves. The cause of peace has been severely disserved by the radical and irresponsible policies of Saddam and the PLO leadership.

True to the cold-blooded threat issued by Iraqi Foreign Minister Tariq Aziz in Geneva, Iraq has repeatedly attacked Israel with Scud missiles. These have not been attacks on military targets, but terror strikes squarely aimed against civilian populations with only one purpose: to harm innocent Israelis in their homes.

The deaths, injuries, destruction of property, and psychological anguish inflicted on the people of Israel have been substantial. But the courage, determination, and resolution of the Israelis and their government, have been paramount, and have exacted a strategic, political, and moral victory over Saddam—notwithstanding the rain of missiles against Israel's cities.

In the months before the outbreak of war, Israel was especially sensitive, and responsive, to the concerns expressed by the United States that Israel lower its profile in this struggle so as not to add unnecessary pressure to the Arab-United States coalition against Saddam. Then, in the days before the outbreak of war, when it was abundantly clear that Saddam had the ability and intention to launch a missile attack against Israel, the Government of Israel decided not to initiate a first strike against Iraqi missile installations. This exceptional decision meant that Israel knowingly put itself and its people at risk—and was doing so

in deference to the overriding interests of the United States. Few allies of the United States have ever been so loyal.

In the days after the outbreak of war, Israel endured successive missile strikes against Tel Aviv and its surrounding area, and Haifa. People have died; destruction has been significant. For the first time since the War of Independence in 1948, an Arab army is attacking civilian population centers. Despite these cowardly, terrorist attacks, Israel has to date withheld from retaliating at this time—precisely in order to deny Saddam the propaganda ploy of trying to transform the allied war against Iraq into an Arab war against Israel.

Israel's role can only command our highest respect. What other country would fail to take preemptive action in the face of certain attack—an attack that could well have included chemical weapons? What other nation would decline to retaliate for a brutal assault against its civilians?

This resolution condemns Iraq's missile attack against Israel, and praises the people and Government of Israel for their courage and restraint in the face of grave provocation. There may well come a point when Israel is impelled to act affirmatively to protect its people—and there can be no doubt that the world will understand if Israel is forced to respond.

Finally, Mr. Speaker, these events have had a lasting, and positive effect on United States-Israeli relations. At the most fundamental level, Americans across the country have come to grips, by virtue of the live satellite coverage of the missile attacks as they were underway, with Saddam's war of terror against Israel. Americans came to understand, many of them for the first time, what the threat to Israel over the past four decades has been about—that Israel faces enemies determined to destroy it.

And we can applaud as well the prompt moves by the administration, following the first waves of missile attack, to install air defense batteries in Israel under the guidance of American military personnel. Israel has never sought to have the soldiers of any other country be present on its soil to assist in its defense. But for the extraordinary circumstances of the war with Iraq, American personnel would not have been necessary. And their presence will clearly be temporary as the training of Israeli soldiers in the antimissile technology is completed. But the commitment shows the grave concern of the United States for the well-being of Israel and its people, and the need for the best possible deterrent to further attacks.

Israel has been through a very difficult ordeal. At this critical moment, it is terribly important that we in the United States stand with Israel and reaffirm our commitment to the special and enduring relationship between our countries.

## UKRAINIAN INDEPENDENCE DAY

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. LIPINSKI. Mr. Speaker, this past week Ukrainians around the world are celebrating

the 73d anniversary of their nation's declaration of independence. My feelings on this event are all the more vehement because of a struggle taking place this very moment in other Soviet Republics. The desire of individuals to achieve autonomy from an oppressive power is an instinctively human condition. It can not be eradicated, only suppressed for a short time. I take great pleasure in joining in the celebration and additionally, would like to present some historical background of the Ukrainian independence movement. My intent is to inform some, reacquaint others, and enlighten all to the plight of a people who have, as yet, not been allowed to achieve their goals of self-determination and freedom.

In 1918, after a bloody revolution against a tyrannical czarist regime, the Ukrainian people achieved their independence. However, within a few years the Communist government in Moscow secured an iron grip on the fledgling nation, one that has not yet been broken. It is vital that all Americans realize the significance and necessity of independence movements, which in their implementation mirror our own history. The Ukrainian cause and their continued struggle highlights the consistent irony in the highly publicized initiatives of perestroika and glasnost. Such measures are concessionary in nature while ignoring a simple truth. The peoples of the Ukraine, as well as other republics, were unjustly forced to become vassal republics in the Soviet Union.

After the overthrow of the czar in March 1917, Ukrainian political and military organizations convened an assembly in Kiev, called the Central Rada. It proclaimed the establishment of the Ukrainian People's Republic, federated with Russia as an equal. However, after the Bolshevik Revolution in November 1917, Lenin officially recognized the Ukraine as a sovereign state. At the same time, he secretly instructed the Communists to seize power by forming a rival government in Kharkov and calling in troops from Soviet Russia for help. The Rada responded to this treachery on January 22, 1918, with a proclamation of the complete independence of the Ukraine. It is the anniversary of this courageous action which we celebrate.

During their fight for national survival, the Ukrainians, led by Simon Petlyura, had the temporary and only symbolic support of Germany and Poland, while the Communists relied on Soviet Russian troops. The Western allies refused to aid the Ukrainian separatists. After Petlyura's defeat, the Ukrainian Soviet Socialist Republic remained formally independent until 1923, when its 7th Congress of Soviets, dominated by Communists and local Russian workers, voted to join Russia and the other Soviet republics in forming a federal Soviet Union.

To try and reconcile the Ukrainians with their new Communist masters, Lenin instructed that the Ukrainian language and culture should be predominate in all government, education, and communications in the Ukrainian SSR. This would be the last attempt by the Moscow Government to bring the Ukrainian people into the union; nonviolently. In 1932 Stalin forcibly imposed collective farming upon the Ukraine and requisitioned all grain for export. This resulted in a famine of such terrifying proportions that over 3 million Ukrainians

died of starvation. With so many suffering, even members of the Ukrainian Communist Party found themselves in opposition to Stalin, and he reacted by accusing them of nationalism and treason. A stronger policy of russification was reintroduced in 1933 and for the next 7 years waves of arrests, exiles, and executions became the order of business. Historical data plainly illustrates that Stalin's terror in the Ukraine was proportionately larger in scope than in other republics.

As a result of Stalin's actions, many Ukrainians were pro-German during the early years of World War II. The Nazis, however, scorned Ukrainian independence aspirations, and the disillusioned Ukrainians turned to guerrilla warfare against the invaders. In the western Ukraine, guerrillas, led by the Organization of Ukrainian Nationalists, waged an effective campaign against the Germans and after the war, continued to fight Soviet troops. This insurgency continued until 1952. Moscow's policy of Russification continued and intensified, maintaining its domination in Ukrainian life until the late 1960's.

The Third Universal of the Ukrainian National Republic, issued in 1917, proclaims the rights of freedom of speech, press, religion, and assembly. Today, even these basic universal rights are not guaranteed in the Soviet Union. In every republic the exercise of national self-determination and full religious freedoms still are not acceptable to Moscow.

Mr. Speaker, as we celebrate this 73d anniversary of Ukrainian Independence, it is more than just appropriate to remember that the call for autonomy and basic human rights in the Soviet Republics is still strong. We must remember that the peoples of the Ukraine, Armenia, and the Baltic States were unjustly consolidated into the Soviet Union. The struggles we see documented in the media are simply the visible struggles of independence. Though the Soviet Government continues to ignore legitimate cries for independence, choosing instead to violently suppress them, eventually freedom will be attained. Rest assured that I will continue to pray for the attainment of this noble goal. Until that day draws near however, I will continue to join others in remembrance.

#### THE BRAVE PEOPLE OF CROATIA AND THEIR STRUGGLE FOR A DEMOCRATIC EXISTENCE

##### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. KOLTER. Mr. Speaker, I rise today to call my colleagues' attention to the fact that, while our Government's attention is being diverted to the crisis in the Persian Gulf, the reactionary conservative elements are pressing the newly formed democratic governments in Yugoslavia to submit to their directives regarding human dignity, economic initiatives and establishment of freedoms inherent to all people of all nations.

While the Marxist controlled Yugoslav Federal Army, has agreed to end their state of military alert which was invoked last week and

has pledged not to interfere in domestic issues in the Republic of Croatia, we must remain vigilant of the four Yugoslav Republics which have elected non-Communist governments. These Republics—Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, which in the past year have received overwhelming mandates in freely held democratic elections, must remain free to choose the direction they will take economically and politically. Their human rights must not be violated by proponents of a failed ideology that has lost its credence throughout the world.

Dr. Franjo Tudjman, President of the Republic of Croatia, has indicated his Republic's agreement to call a halt to the organization of reserve paramilitary police and to purge nationalistic extremists from the Republic's government in an effort to avert a civil war. This agreement between the Federal Army and the Croatian Democratic Union represents a diplomatic compromise which will provide, at best, some temporary relief to those who see this struggle in Yugoslavia as a violation to the human dignity of those whose struggle for independence seems to be an inherent right.

Ours is a time for profound changes, historic expectations and awesome responsibilities. Today, a new world is struggling to be born on the legacy of freedom and peace with justice and human dignity. A small, nevertheless, important aspect of this struggle goes on in Croatia today. I, as well as thousands of my constituents whose roots go to Croatia, ask that you my colleagues along with our government here in the United States will not forget the brave people of Croatia and their struggle for a democratic existence.

Let us not ignore the situation in Yugoslavia as we focus on Operation Desert Storm. The most-favored nation status, as well as other benefits extended to Yugoslavia have been extended to encourage and strengthen infant institutions in Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia in their quest for democratic governing bodies which will insure freedom and justice for all.

#### A TRIBUTE TO JOHN W. ROBINSON

##### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to John W. Robinson who will retire on January 31 after having served over 32 years as executive director of the Home Builders Association of Louisville.

During his long and productive tenure, John has taken an active leadership role in all phases of the housing industry. He has served on numerous task forces at local, State, and national levels. He served as president of the Executive Officer Council of the National Association of Home Builders in 1971.

Mr. Speaker, John helped to transform the Louisville Home Builders from a small, modest operation into a national model for local home builders to follow. The Louisville Home Builders Association had but 100 members in 1958 when John took over the reins. It today has 1,300 members, making it among the very largest associations in the entire Nation.

John will, perhaps, best be remembered at the national level for having originated in Louisville the Home Owners Warranty Program. The program is one of national scope which provides assurance to home buyers of the quality and performance of the dwelling they purchased.

John and Gloria, his very supportive wife, in retirement can look forward to indulging their various hobbies and interests. Prime among these is their devotion to baseball, particularly the world champion Cincinnati Reds. John has attended the Reds' spring training camp for over a quarter of a century and he has even married into the Reds' organization. His daughter Sherrie is married to Marty Brennaman, who is the radio and television voice of the Reds.

Mr. Speaker, I thank John for all he has done for Louisville, Jefferson County, the Commonwealth of Kentucky, and our Nation. And, I wish John and Gloria the best of health and happiness in the years to come.

#### RIGHT WING MYTHS

##### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, in the New York Times editorial section on Sunday, January 27, Leslie Gelb has an excellent article rebutting some of the misinformation that is being spread about the debates we have had in the Congress in the past decade about weapons, and the relevance of those debates to the Persian Gulf situation. Specifically, he drives home the point that the Patriot program "owes nothing of its success to Star Wars technology." And he makes the equally important general point that the weapons which are proving useful in the Persian Gulf controversy are not the ones over which Congress debated during the 1980's. As Mr. Gelb points out, "almost all the technological wonders of the Gulf war were begun well before Mr. Reagan \* \* \* as for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than congressional democrats to buy stockpiles of munitions and spare parts."

The facts, Mr. Speaker, are very clear: the military spending issues which have been the focus of most of the debate of the 1980's are not those which are affected by the war in the Persian Gulf. SDI, the B-2 bomber, the MX, and Midgetman missiles, the continued insistence of the Bush administration on subsidizing the economies of Japan, South Korea, and Western Europe by continuing troop levels that are far beyond what is rational in the face of the substantially diminished Soviet threat—these are the areas over which we have fought in the 1980's and which we will fight over in the 1990's. Efforts to evoke the Patriot missile to protect SDI, or other aspects of the Persian Gulf war to protect unrelated budget-busting military items like the Stealth bomber, do not reflect the facts and cannot be allowed to stand unrebutted. I ask that Les Gelb's very important article be printed here.



# RIGHT-WING MYTHS (By Leslie H. Gelb)

Right-wing propagandists have discovered how to use the Persian Gulf war, which many of them oppose, to ride an old hobby-horse back into the sunlight. Turn on the television, look at their columns, and learn two new meta-facts:

We should praise the heavens for Mr. Reagan's Strategic Defense Initiative, or Star Wars, for giving us the Patriot missiles, now famous for shooting Iraqi Scud missiles from Saudi and Israeli skies.

We have Ronald Reagan's fat increases in military spending to thank for winning the war.

The first is pure baloney; the second contains a grain of very misleading truth.

Let's begin with the colorful Star Wars-Patriot tale. The Patriot is not now and never has been part of the Strategic Defense Initiative programs and owes nothing of its success to Star Wars technology.

For the truth, just call Maj. Peter M. Keating, an Army spokesman, who said in response to a query that the Patriot and S.D.I. "are not even a spinoff of each other." For emphasis, he added, "Absolutely."

The Patriot was originally designed in the Ford Administration to shoot down aircraft. Quite independently of the Star Wars bureaucracy and at modest cost, the Army changed the computer software and the explosive fuse on the missiles, and made the system ready for its present anti-missile duty.

Yes, indeed, the Patriot and Star Wars are both intended to intercept missiles. But the similarity ends there. It's like saying that since people and elephants both have ears they can equally enjoy Mozart, and the elephants should be encouraged to do so.

More troubling than the Patriot tale is the Reagan's-winning-the-war myth. In the first place, the war in the gulf is being fought with conventional weapons, not nuclear ones. Nukes were the trademark of the budget fashioned by Defense Secretary Caspar Weinberger. Nukes far more than tanks and fighter-bombers constituted the thrust of his increases in weapons procurement and research and development.

Remember the B-1 bomber, canceled by President Carter and reinstituted by Mr. Weinberger. Now, \$30 billion later, the plane is so bad that the Air Force rarely flies it. The old B-52's are doing the heavy bombing work over Iraq and Kuwait.

Above all, remember the Star Wars fantasy. The Weinberger-Reagan team spilled about \$20 billion down the drain on that scheme, which could have cost \$250 billion, to destroy all attacking Soviet missiles.

Almost all the technological wonders of the gulf war were begun well before Mr. Reagan. Harold Brown, President Carter's Defense Secretary, deserves the major credit for the sea-launched cruise missiles, the Stealth bomber and the HARM missiles employed so effectively against radar.

One of Mr. Weinberger's notable technological contributions was the Navy's A-12 attack plane. Defense Secretary Cheney just canceled it after only a few billion dollars was wasted.

As for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than Congressional Democrats to buy stockpiles of munitions and spare parts.

President Reagan spent about \$1.5 trillion on defense, several hundred billion more than Jimmy Carter had planned. Most was

well spent and justified. But much of the quick and large increases fell victim to mismanagement, waste and fraud.

Here is how that performance was described in 1988 by David Packard, Deputy Defense Secretary under President Ford and chairman of Mr. Reagan's own Blue Ribbon Commission on Defense Management. The Administration, Congress, and the Defense Department, he said, "have created an environment in which honest and efficient military acquisition is impossible to implement. . . . One could do as good a job in awarding the major contracts by putting the names of the qualified bidders on the wall and throwing darts."

Also not to be forgotten, Mr. Weinberger's Pentagon operation achieved a record number of indictments and convictions for fraud and thievery.

If the right-wingers' new line on defense were simply to justify their past support for all the waste, it would be amusing. If it were just the usual campaign to portray Democrats as weak-kneed and lily-livered, that would be understandable. But their real aim is to keep military spending around \$300 billion after the war ends—and that would prove deadly at the very moment when the nation will need to refocus on domestic priorities.

## CONGRESSIONAL SALUTE TO MS. SANDRA GIN YEP

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the work of an outstanding public figure in the Sacramento area news media, Ms. Sandra Gin Yep.

Over the last 10 years, Ms. Yep has distinguished herself as a dynamic force in the Asian-Pacific American communities and in the broadcast media. Her efforts to bring responsible public affairs programming to the citizens of the greater Sacramento area are to be commended.

Ms. Yep has won four Emmy Awards as a reporter and producer of a quarterly public affairs TV program, "Perceptions," which airs in the northern California area. Her provocative and educational reporting has added much in the fight against racism and stereotyping of the Asian-Pacific American communities.

Recently, Ms. Yep has accepted a promotion to a large San Francisco television station where she will continue to use her leadership to enhance an atmosphere of openness and a better understanding of cultural diversity in the news media. She has been a tremendous asset to our community and has greatly contributed to our cultural awareness. She will be sorely missed, however, we are proud to have been associated with someone of Ms. Yep's spirit and congratulate her on her promotion.

Mr. Speaker, I know that my colleagues join me in wishing Ms. Yep continued success in her already exemplary career and in her efforts to provide excellence in broadcast media reporting.

## TRIBUTE TO RICHARD TRAINOR

### HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. McMILLEN OF MARYLAND. Mr. Speaker, I rise today to honor a man who has greatly contributed to the State of Maryland. Richard Trainor has, for the last 40 years, distinguished himself as a man capable of real action and decision. In these years, the State of Maryland has received from Mr. Trainor perhaps the most valuable of gifts, that of public service.

Mr. Trainor's career in transportation demonstrates a real commitment to the improvement of Maryland's transportation system. From 1950 to 1978, he worked with the State Highway Administration, serving, from 1973 to 1978 as the head of the interstate division for Baltimore City where he helped pioneer unique transportation facilities adapted to the urban environment including the Fort McHenry Tunnel under Baltimore Harbor which completed I-95 within Maryland. In 1986, he became the first commissioner of Baltimore's newly formed department of transportation and on June 11, 1987, was sworn in as its director. Both as commissioner and secretary of the department of transportation, Mr. Trainor has shown his strength as a master administrator and manager. But perhaps more importantly, he has proven to be an effective leader.

Mr. Trainor has long been a strong supporter of the National Multiple Sclerosis Society and a number of other philanthropic organizations. For his dedication to the community and for his years of productive service to Maryland, Mr. Trainor deserves both our thanks and appreciation.

## THE PEOPLE OF OSSINING, NY, SHOW SUPPORT FOR U.S. TROOPS IN THE PERSIAN GULF

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mrs. LOWEY of New York. Mr. Speaker, I rise today in tribute to the people of Ossining, NY, who are honoring their sons and daughters who have been sent to the Persian Gulf. I join them in expressing strong support for our troops.

Technical Sergeant Robert N. Valentine, Air Force, Specialist Tamara C. Cross, Army, Sgt., David K. Leslie, Army, and Sgt. David P. Whitney, Marines, are just four of the Ossining youth now fighting for our country in the sands of the Middle East. Like the hundreds of thousands of their fellow service men and women from around the country, they go with their community fully behind them.

There can and should be no doubt that we all support our troops. We all salute their courage and skill. We all are thankful for their strength and valor. And we all pray fervently for their swift and safe return.

Two days after the outbreak of war, I joined an overwhelming majority of Congress in

passing a resolution that expressed our unequivocal support for the troops of Operation Desert Storm who, as the resolution stated, "are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery." As I cast that vote, I thought of the individual men and women who have literally put their lives on the line for their country. Yes, they are parts of our Armed Forces, but we should never forget that they are first and foremost, sons and daughters, sisters and brothers.

The people of Ossining will gather this week to show their support for the troops, and to offer the community's strength to the families who must wait and watch at home. I commend them for their stalwart response, Mr. Speaker, and I add my deepest hope that the community will gather again soon—to welcome home the victorious heroes and to celebrate their safe return.

I am proud to represent the soldiers and sailors, the airmen and marines of Ossining, and I am proud to offer them my prayers and unparalleled support. My thoughts and my heart are with them. As they serve all of us, we should serve them as well as by working for a better future for them and for our Nation.

#### UKRAINIAN INDEPENDENCE DAY: RALLYING POINT FOR FREEDOM

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. KLECZKA. Mr. Speaker, January 22, 1991, marked the 73d anniversary of Ukrainian independence. As the Soviet Union appears to reject recent political and economic reforms and returns to the Communist dictatorship and repression of the past, it is important to convey Congress' support to the Ukrainian people.

Out of the violent chaos of the closing days of World War I, Ukrainian nationalism consolidated itself into a powerful force. Repulsing an invasion by Russian Bolsheviks, the Ukrainian Central Rada issued the fourth universal on January 22, 1918, proclaiming a free and independent Ukrainian National Republic. One year later, the Western Ukrainian Republic was united with its larger sister state.

The Ukrainian National Republic, a democratic, constitutional state, guaranteed the basic freedoms of speech, religion, assembly, and press. Progressive reforms, including abolition of the death penalty, land redistribution, and institution of an 8-hour workday, were introduced. While conflict between national groups existed, minority rights were guaranteed by the Constitution.

By 1922, this encouraging Ukrainian rebirth was snuffed out by the new Soviet Russian regime. However, the dream and memory of Ukrainian independence itself could not be extinguished. Throughout the many, difficult decades of Soviet occupation, Independence Day served as a rallying point for the courageous Ukrainian people.

Today, when freedom is closer than ever, we remember those first patriots who established an independent Ukraine 73 years ago.

At this difficult time for democrats throughout the crumbling Soviet empire, we must not give up hope that Ukraine will once again be free.

#### CIVILIAN PARTICIPATION IN THE GULF CRISIS

**HON. CARL D. PURSELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. PURSELL. Mr. Speaker, I would like to bring to the attention of the Congress and the citizens of our Nation a recent act of civilian participation in the gulf crisis.

Twelve workers at PSI Repair Services of Livonia, MI, learned Friday evening that a Florida manufacturer of the Patriot missile was about to experience a shut down due to a broken part of a machine that cuts missile parts. The specific part would need to be repaired by Monday in order to maintain production schedules to meet the needs for Patriot missiles in the Persian Gulf.

Proud of our country's efforts the PSI employees accepted the broken 250-pound part and volunteered their services to do the necessary repair and rebuilding to meet the deadline. Such work would return the part to production which allows cutting tolerances measured in the millionths of an inch.

The hourly employees rebuild and refurbish parts of automated manufacturing machines, according to PSI President William Phillips, but when they heard what this particular job was for, volunteered their time and talent.

Our most sincere thanks go to these dedicated individuals; Orvin Ferguson, Ralph Hight, Douglas Maxwell, Kenneth Pernak, Luciano Staffani, William Williamson, Martin Lassen, Nick Lechman, William Orlik, Daniel Schemanske, John Dutton, and Fred McCrory.

Mr. Speaker, as our troops so far from home are defending our freedoms we so cherish, it is reassuring to note that the people back home have them in their hearts.

#### PROTECTING SOLE-SOURCE AQUIFERS

**HON. DEAN A. GALLO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. GALLO. Mr. Speaker, today, I am reintroducing legislation to protect our Nation's sole-source aquifers from potential contamination resulting from the siting of landfills.

We have learned from past experiences that it is easy to pollute our underground sources of safe drinking water and much more difficult to reverse the process of leachate seepage once it has begun to occur.

Each day, the United States consumes over 74 billion gallons of ground water for drinking and other uses. Contamination of this ground water with chemicals and other pollutants can be a serious environmental and public health problem. We especially need to be cautious when our landfills are placed over the sources of our precious ground water—sole-source aquifers.

Most of the Superfund sites in my congressional district involve ground water pollution from a specific source, often a landfill. My bill will prevent future occurrences of this unfortunate pattern by requiring specific actions to certify protection before the damage is done.

In 1986, we passed the Safe Drinking Water Act amendments creating a national program to identify our sole-source aquifers and now it is time to provide protections for these valuable sources of clean water.

Currently, the States make most of the decisions that affect ground water protection and the States should be responsible for certifying that projects under their review are safe. My legislation is a significant step toward providing the needed protection by placing the responsibility for prevention with the States under Federal guidance.

Specifically, my bill would ban the construction of a landfill, surface impoundment, waste pile, or land treatment facility within the aquifer protection area unless the State developed a comprehensive plan for protection of the aquifer.

The plan must include a mapping of the sole-source aquifer, an assessment of the relationship between land surface activities and ground water quality, management practices to be implemented in order to prevent the adverse impacts on ground water, and a program for State and local implementation of the plan to ensure the continued protection of the sole-source aquifer.

In addition to the creation of a plan and a means to implement this plan, the State must during the development of the plan consult with and consider the comments of concerned individuals. The State must also conduct public hearings at places within the protection area to provide the opportunity for comment.

My bill will play an important role in protecting sole-source aquifers and will provide our Nation with clean drinking water for future generations.

#### ISRAEL'S COURAGEOUS RESTRAINT

**HON. MICHAEL A. ANDREWS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ANDREWS of Texas. Mr. Speaker, I, along with many of my colleagues, rise today to express my admiration for the Israeli people. Each night in their homes or in bomb shelters, they face the threat of attack, not knowing whether Saddam Hussein may choose that night to use conventional missiles or chemical weapons. Imagine having to place a gas mask over your child's face just once, let alone facing that horrible task each night and not knowing when this terrible ordeal will end. Their courage is remarkable.

I am a cosponsor of House Concurrent Resolution 41, condemning the unprovoked Iraqi attacks on Israel. Saddam Hussein's attacks on Israel are despicable and his attempts to link his invasion of Kuwait into an Arab-Israeli issue are outrageous. Israel has maintained tremendous restraint in the face of murderous missile attacks which have resulted in the



deaths of innocent civilians, destruction of property, and continuing disruption of the lives of its citizens. This small, courageous nation's willingness to support the United Nation's Security Council resolution and the allied coalition of forces in the face of imminent danger represents a sacrifice many nations might not be willing to make. By forgoing immediate retaliation, Israel has denied Saddam Hussein the victory of engaging Israel in this terrible conflict.

This resolution recognizes Israel's right to defend herself and reaffirms America's continued commitment to provide her with the means to maintain her freedom and security.

#### NATIONAL REHABILITATION WEEK

##### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. McDADE. Mr. Speaker, today I am joined by 43 of our colleagues in introducing legislation to designate the week beginning September 15, 1991, as "National Rehabilitation Week."

Across our Nation, rehabilitation services allow persons with disabilities to demonstrate that a disability need not be an obstacle to success. Americans with physical, mental, and emotional impairments gain greater independence and self-confidence thanks to the many rehabilitative agencies and facilities throughout the United States.

By passing National Rehabilitation Week, we can celebrate the daily victories and determination of the more than 36 million disabled Americans and the dedicated health care professionals who serve in this field.

Although half of the people of this Nation will need some form of rehabilitative therapy, most of us know too little of the potential it offers. National Rehabilitation Week will serve to increase awareness of the efficacy of rehabilitative services.

I urge my colleagues to join me and co-sponsor this measure to heighten awareness of rehabilitative services and of the ways those services enrich the lives of Americans with disabilities.

#### OPERATION DESERT SHIELD TAX ACT

##### HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STAGGERS. Mr. Speaker, as many Members are aware, on January 21, 1991, President Bush signed an Executive order designating areas of the Arabian Peninsula, airspace, and adjacent waters as a combat zone.

I am very pleased that the President took this action. Earlier this month, a number of Members of Congress joined with me and wrote the President urging him to do this. Unfortunately, it appears that the Executive order does not go as far as it should.

Today, I am introducing the Operation Desert Shield Tax Act. Under this legislation, all members of the National Guard and Reserves called to serve in the Persian Gulf or other duty stations and all active military personnel serving in the Persian Gulf region would be eligible for tax reductions and extensions for filing their Federal tax returns.

This legislation will be effective August 1, 1990. All military personnel who were called initially to defend the gulf and all members of the Guard and Reserves who were called up after August 1, 1990, would receive a reduction in taxes and extension to file their tax returns.

Mr. Speaker, this legislation is the only way to provide the benefit the American people want to extend to all guardsmen and reservists as well as all active duty military who responded after the August invasion of Kuwait.

#### DISPOSITION OF UNITED STATES ASSETS IN GERMANY

##### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HAMILTON. Mr. Speaker, Chairman DANTE B. FASCELL of the Committee on Foreign Affairs and I initiated correspondence with President Bush on August 3, 1990, with respect to United States policy on the disposition of United States assets in Germany. On December 6, 1990, I received a reply from the assistant to the President for national security affairs, Brent Scowcroft. His reply outlines the current review of assets now underway in the Departments of State and Defense and summarizes the agreements which provide the basis for determining U.S. claims for compensation. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, August 3, 1990.

Hon. GEORGE H.W. BUSH,  
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The reunification of Germany and its inclusion in NATO represent a magnificent achievement of American foreign policy.

German reunification is an important chapter in the ending of the cold war. The new era we are entering necessarily will require a reassessment of the need for the United States to retain ownership or other interests in a wide variety of installations, and associated operational rights, throughout Europe and especially in Germany. These assets were acquired at great sacrifice to the American people.

While many U.S. assets in Germany probably should be returned to German control any transfers should take place only after a most careful and thorough review. It is imperative that the United States establish priorities concerning properties or rights we wish to retain and that we receive appropriate compensation for assets we may decide to transfer. While adjustment of the complex pattern of cooperation between the United States and Germany will undoubtedly require extensive negotiations, an important first step is for the United States to first determine what we have and what our own priorities are. I urge you to designate an appro-

priate senior official such as the Secretary of State to compile an inventory of U.S. assets and to develop a national strategy for negotiations with Germany.

In view of Article IV, Section 3, Clause 2 of the Constitution it is imperative that Executive branch policy with respect to the disposal of any U.S. properties be developed with the closest possible cooperation with the Congress.

With best wishes, we are

Sincerely,

LEE H. HAMILTON,  
Chairman, Subcommittee on  
Europe and the Middle East.  
DANTE B. FASCELL,  
Chairman,  
Committee on Foreign Affairs.  
THE WHITE HOUSE,  
Washington, December 6, 1990.

Hon. LEE HAMILTON,  
Chairman, Subcommittee on Europe and the  
Middle East, Committee on Foreign Affairs,  
House of Representatives, Washington, DC.

DEAR LEE: Thank you for your thoughtful letter of August 2 regarding the disposition of U.S. assets in Europe, especially in Germany. These issues did not come within the scope of the Two Plus Four discussions, which dealt with basic matters of German sovereignty. However, they will be important as we manage the process of adjusting to the historic changes we have witnessed in Europe, and we value your insights and your advice.

The State Department and the Defense Department are currently reviewing U.S. holdings in Germany and adjusting them to meet our needs in the current changed environment. The two agencies consult closely, but each develops and implements plans for the disposition of the property it uses.

The Defense Department has conducted a thorough analysis of the military, political and financial factors involved in restructuring its basing presence throughout Germany. An important feature of this process was a program of consultations with host governments regarding the specific sites to be affected.

In Germany, the Supplementary Agreement to the NATO Status of Forces Agreement and related agreements provide the agreed basis for U.S. claims of compensation for the value of installations returned to the Germans. These Agreements, which were concluded in 1959, stipulate that Germany and the United States should agree on the residual value of improvements the United States has made to the properties it uses, which are owned by Germany, and that Germany should reimburse the United States for this value. The amount of compensation would be reduced by any amount the United States would be liable to pay as compensation for damages to the property or to the surrounding area.

Berlin represents a special case, in that the Germany properties used by the United States there were maintained and improved with occupational cost funds provided by the FRG. Otherwise, we expect that the arrangements for the return of property and compensation that we will agree on for Berlin will parallel those for the FRG.

The State Department has also been reviewing its needs for an efficient diplomatic and consular presence in a united Germany. If the seat of government eventually moves to Berlin, we will want to dispose of unneeded property in Bonn, and to acquire the additional property we will need in the new capital. We have opened discussions with the Germans about this. Our aim is to

ensure that we receive appropriate value for the property we vacate and favorable terms for either acquiring new property, or for maintaining access to properties we already occupy in Berlin.

Both the State and Defense Departments will continue to consult with Congress regarding the important decisions we face. We look forward to working with you to ensure that the United States maintains an effective American presence abroad.

For your information, I have also sent this response to Congressman Fascell.

Sincerely,

BRENT SCOWCROFT.

# PRESERVING THE CIVIL LIBERTIES OF ALL AMERICANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DYMALLY. Mr. Speaker, I rise to add my voice to the growing chorus of Americans who are concerned about preserving the freedoms guaranteed in the first amendment of our Constitution.

Since the beginning of hostilities in the Persian Gulf, a large number of Arab-Americans have been contacted by the FBI. The FBI says it is trying to gain information on possible terrorist activities. Isn't this the same rationale that was used just prior to the incarceration of thousands of Japanese-Americans?

Because of my concern for the civil liberties of all Americans, I have introduced a resolution which expresses a sense of Congress that neither the FBI nor any other agency of Government shall engage in any investigation on other activities which threaten the civil liberties of Arab-Americans and should assist in protecting Arab-Americans from hate crimes and related activities.

Mr. Speaker, while our troops are engaged in a conflict to assure the freedom of Kuwait, we can't allow the rights of Americans to be diminished in the process.

Mr. Speaker, Arab-Americans have played a vital role in the building of this country and should not be singled out for any unnecessary harassment from Government agencies.

I urge my colleagues to support this resolution that guarantees freedom for all Americans including those of Arab descent.

H. CON. RES. 56

Whereas, on September 24, 1990, President Bush declared that death threats, physical attacks, vandalism, religious violence, and discrimination against Arab Americans must end and that a crisis abroad is no excuse for discrimination at home;

Whereas, in response to increased concerns about terrorism in the United States due to the Persian Gulf conflict, the Federal Bureau of Investigation has conducted "interviews" and investigations without reasonable cause in the Arab-American community;

Whereas the activities of the Federal Bureau of Investigation are based on the ethnicity or national origin of Arab Americans, as well as on their political beliefs, activities, and affiliations that are protected by the First Amendment to the Constitution of the United States;

Whereas the activities of the Federal Bureau of Investigation unfairly arouse sus-

picion of Arab Americans, label the Arab-American community as disloyal, and encourage hate crimes against Arab Americans;

Whereas, according to analysis and information contained in the Congressional Record dated October 23, 1985, data from the Federal Bureau of Investigation regarding terrorist incidents in the United States from 1981 to 1984 indicate that Arab Americans have been the victims, not the perpetrators, of domestic terrorist activities;

Whereas the history of the United States has been tarnished by shameful moments of xenophobia and the violation of the civil and constitutional rights of certain Americans, such as the internment of Japanese Americans during World War II;

Whereas Arab Americans' fears have been heightened by a 1986 internment contingency plan;

Whereas, in 1989, the Congress passed and the President approved a joint resolution designating October 25, 1989, as National Arab-American Day;

Whereas the Constitution and laws of the United States prohibit discrimination on the basis of race, religion, creed, and national origin;

Whereas the Constitution of the United States guarantees basic civil liberties, such as freedom of speech and political expression; and

Whereas Arab Americans are entitled to respect as peaceful and law abiding citizens of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Federal agencies should not engage in activities that threaten the civil liberties of United States citizens, or legal residents, of Arab descent;

(2) the Federal Bureau of Investigation should inform Federal, State, and local law enforcement agencies that Arab Americans are potential victims of hate crimes and related discrimination and that Arab Americans should be protected from such crimes and discrimination; and

(3) the Federal Bureau of Investigation should encourage Federal, State, and local law enforcement agencies to work with community leaders to report to the FBI hate crimes and discrimination against Arab Americans.

## TRIBUTE TO LEWIS A. SHATTUCK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to Mr. Lewis A. Shattuck, a resident of the Seventh Congressional District of Massachusetts and the retiring president of the Small Business Association of New England.

Mr. Speaker, during the last decade, we in the United States have come to recognize that one of our principal advantages in the race for global competitiveness is our entrepreneurial spirit. We've realized that small businesses create 80 percent of our new jobs. And we now know that for every \$1 million of R&D funds spent, small companies are six times more likely than large companies to create new products.

This awareness of the power of small business has helped shape policy in Washington

and in State capitals across the country. And no one deserves more credit for raising this awareness than Lew Shattuck.

Lew was instrumental in organizing the successful White House Conference on Small Business in 1986 and was a tenacious advocate for several critical small business legislative initiatives. In the 1970's he helped pass the Steiger amendment, which made new capital available to small business. And in the 1980's he fought for the Small Business Innovation Research Program, which ensures that small business receives its fair share of Federal grants and contracts.

Lew's effectiveness in Washington is, in part, due to this effectiveness at home. Under his leadership, SBANE has become a potent political and economic force. In the 25 years Lew has served the association, membership has grown more than sixfold, now totaling almost 2,000 companies. Lew has also served as secretary of the National Small Business United and has been an energetic member of the National Advisory Council of the Small Business Administration.

With Lew's retirement, small business people in New England and across the Nation are losing a passionate and effective spokesperson. But his enduring contribution is making small business a permanent priority in our region and in Washington. We wish him well in his future endeavors and thank him for his 25 years of service to small business and to public policy.

## JAPANESE THREATEN TO CUT OFF LOAN IF WE DARE QUESTION THEIR PROTECTIONIST BANKING- TRADE LAW

HON. FORTNEY H. PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STARK. Mr. Speaker, the deficit splurge of the 1980's has come down to this: We are hooked on foreign money to finance nearly \$400 billion in debt this year.

Now when we question Japan about their unfair laws restricting our bank operations in Japan, and the Congress prepares to consider legislation restricting Japanese bank operations in the United States unless Japan opens its doors, a Japanese Government Vice Minister of Finance threatens to cut off loans.

We must free ourselves of this addiction to deficits or our policies will be run by foreign bankers. We are like a heroin junkie, dependent on—and subject to blackmail by—others.

The following news article makes the facts shamefully clear.

I for one stand with the Riegle-Garn legislation and against blackmail. As a symbol of my determination, I am introducing the Senate bill of last fall in the House today.

I hope all my colleagues will read the article and share my outrage. It is time we end these deficits and our demand for loans before we lose our economic independence.



[From the New York Times, Jan. 29, 1991]

**JAPAN'S STERN WARNING ON TRADE  
SANCTIONS**

(By Clyde H. Farnsworth)

WASHINGTON, January 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial institutions. It has long been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

**DIFFERENCES NOT NARROWED**

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion in the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American officials assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

**NO BUSH SUPPORT**

But the Bush Administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointedly that the United States "is experiencing a credit crunch."

**HEALTH CARE REFORM PACKAGE**

**HON. D. FRENCH SLAUGHTER, JR.**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. SLAUGHTER of Virginia. Mr. Speaker, health care costs are rising dramatically and Government health programs are claiming an increasingly larger portion of our limited Federal resources. Despite our annual battles over taxes, benefits cuts, higher premiums, and deductibles, Medicare's trustees are still predicting bankruptcy by 1998.

I believe we can avert the pending crisis by creating incentives for individuals to save and invest for health care. Today I am reintroducing my health care reform package designed to give individual Americans the power to plan for health care in retirement.

The centerpiece of these initiatives is the Health Care Savings Account Act. This legislation would give individuals the option of establishing tax-favored savings accounts during their working years to substitute for part of their Medicare coverage in retirement. Employees and employers who participate would receive a 60-percent income tax credit for contributions. The maximum annual contribution would equal each individual's Medicare payroll tax, currently 2.9 percent, and interest would accumulate tax-free.

In retirement, individuals would use funds drawn from this account for their medical expenses before claims could be made on Medicare. Expected excess funds from health care savings accounts could be used for long-term care, long-term care insurance, or to supplement retirement income. By decreasing claims on Medicare, while maintaining payroll tax revenues, Medicare's trust funds will be put on more solid financial ground.

Without benefit cuts for the elderly, tax increases on our citizens, or freezes on payments to our health care providers, health care savings accounts could sharply reduce and potentially eliminate Medicare's long-term financing problems. More importantly, Americans would assume a greater role in planning for their future health care needs.

A recent survey concluded that almost three-quarters of Americans are willing and able to buy a long-term care insurance policy. There is much the Federal Government can do to spur the demand and supply of private long-term care insurance. I believe such action is imperative because the Federal Government cannot solve the growing problem of financing long-term care without appealing to a substantial degree to the private sector.

As part of my package, I am introducing three bills to help individuals finance long-term care, and to help expand the market for this insurance. The first bill would permit holders of individual life insurance policies to exchange or convert the cash value of these policies for long-term insurance on a tax-free basis. Similarly, the second bill would permit tax-free withdrawals from individual retirement accounts [IRA's] when the funds are used to pay long-term care insurance premiums.

Another way the Federal Government can help is to offer group long-term care insurance on a voluntary basis to some of its 2.5 million

workers. I introduced legislation last year to do precisely that, and I am reintroducing the same bill today as the final part of my health care package.

The Federal Employees Long-Term Care Insurance Act would direct the Office of Personnel Management to select, through a competitive bidding process, several private insurance companies to participate in a new Federal employee group long-term care insurance program. This voluntary program would initially be open to the 650,000 Federal employees who are 50 years of age and older and their spouses, although it could be extended to all employees after 5 years.

Premiums for this insurance would be paid by each employee, but as an additional incentive to encourage participation, the bill would permit those insured under Federal group life insurance to voluntarily convert, on a tax-free basis, a portion of this policy to the new long-term care insurance program. This would enable participants to lower the monthly premium for their new long-term care insurance.

I believe this legislation would provide significant incentives for insurance companies to enhance their long-term care policies and for Federal employees to purchase attractive group policies at affordable rates. Finally, this program would encourage other businesses and States and local governments to offer similar policies to their employees, thereby increasing both the supply of and demand for long-term care insurance.

While these initiatives do not represent a comprehensive solution to our Nation's growing health care needs, they are an important first step in that direction. I firmly believe that increasing opportunities and incentives for individuals to plan and save for health care needs in retirement is a crucial part of reforming our health care system.

I encourage my colleagues to examine these proposals and consider joining the growing number of Members supporting this important effort.

**TRIBUTE TO THE HONORABLE  
JOHN J. SINSIMER**

**HON. ROBERT A. ROE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ROE. Mr. Speaker, it is with a very special sense of pride and friendship that I rise today to honor a distinguished American and great friend, the Honorable John J. Sinsimer. After a lifetime spent serving the public good, John is retiring as chief of the Administrative Support Services for the New Jersey Board of Public Utilities. He will be honored with a dinner on February 1, at the Polish National Home in Harrison, NJ. The citizens of our great State of New Jersey will truly miss the dedication and vigor he brought to his official duties.

A lifelong resident of New Jersey, John was born on March 19, 1923, in Harrison, NJ, the third eldest of the six children of Elizabeth and Arthur J. Sinsimer. He was employed by ITT Corp. when his initial call to public service came during World War II. John entered the

Navy where he proudly served our great country as a radioman, petty officer second class in the Pacific theater. He participated in the Saipan and Marshall Island campaigns and was awarded two major battle stars for his courageous and meritorious service.

Upon his return home, he resumed his employment with ITT while attending Seton Hall University. John graduated in 1956, receiving his bachelor of science in business administration, with a minor in philosophy. He put these talents to great use at ITT continuing his career as an industrial engineer.

A resident of Pompton Lakes since 1950, John first entered the realm of public service when he became a member of the borough council in 1959. His involvement and devotion to local government community affairs continued for many years. In 1969, he was appointed by former Gov. Richard Hughes to membership on the Hospital Advisory Council, a division of the State Board of Control of Institutions and Agencies.

In 1971, John was elected to the General Assembly of the State of New Jersey where he served with distinction for several terms, adding his attention and expertise to the Committees on Labor, Auditing, and Revision and Amendment to Law. His outstanding leadership was a beacon to other legislators and contributed to the many significant accomplishments during his tenure.

John presided as deputy director of the New Jersey Division of Alcoholic Beverage Control from 1976-85. In January 1985, he was appointed to the New Jersey Board of Public Utilities, serving as an administrative analyst. From June 1987 to July 1988 he was chief of the Bureau of Budget and Fiscal Affairs and in July 1988 he became chief of the Administrative Support Services.

John also made time in his busy schedule to be active in many religious and fraternal organizations which perform so many of the vital and services which give character and quality to life in our communities. He is a parishoner of St. Mary's Church in Pompton Lakes and a member of the Holy Name Society. John is also active in the Knights of Columbus Marian Council No. 3801. He is a member of the John Hand Tri-County Post No. 2906 Veterans of Foreign Wars as well as the Kimble-Weatherwalks Post 235 of the American Legion.

John is married to the former Eleanor Hargreaves of Newark, NJ. He and his lovely wife are the proud parents of 6 wonderful children, Elizabeth, Susan, Kathleen, Maureen, Larry, and John, Jr. and have 16 grandchildren. Continuing his father's dedication to public service, John Jr. is currently holding office as the mayor of Pompton Lakes, NJ.

Mr. Speaker, I am proud to take this opportunity to share with you and all my colleagues here in the House this moment of deep gratitude to a man who can be truly recognized in our Nation as an example of the true meaning of public service. John J. Sinsimer personifies the dedication and sacrifice which such service demands. I am proud, honored, and privileged to call him my friend.

## A NATIONAL ENERGY STRATEGY

**HON. MICHAEL A. ANDREWS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing an important piece of legislation which calls for a national energy policy based on a core supply of domestic energy, the National Energy Strategy Act of 1991. I believe this bill will serve as a framework for a comprehensive national energy policy.

I have been working on an energy policy framework over the last several years. In the 101st and 100th Congresses I introduced the Energy Security Tax Act, the Energy Security Incentive Act and the Alternative Fuels Incentive Act. These bills are supported by independent producers and integrated companies alike. My proposals will spur domestic oil and gas production, efficiency, conservation, economic growth, price stability, and clean air.

Our country has gone without a comprehensive energy policy for too long. The recent war in the Persian Gulf has made the need for such a policy clearly evident to everyone. Our increased dependence on foreign oil presents significant national security concerns which we must address now. We are allowing OPEC to get back in the saddle again. As the cartel reasserts control, we will be increasingly at the mercy of those who do not have this country's best interests at heart. Even worse, we could end up being held hostage, blackmailed by a madman like Saddam Hussein. We are hastening the arrival of that day by allowing our domestic industry to be dismantled. We must not allow this progression to continue.

In addition to this constant threat to our national security, other results of this lack of direction are also obvious—wild fluctuations in energy prices, a nearly crippled domestic petroleum industry, surging imports, reduced conservation efforts, and increased environmental degradation.

The erosion of our domestic petroleum industry particularly concerns me. In this fifth consecutive year of decline, U.S. oil production fell in 1990 to its lowest level in almost 30 years, 7.2 million barrels a day. At the same time, energy consumption fell by only 2 percent in 1990, the first time since 1983 that it has declined at all. The decline is largely attributable to a rise in fuel prices provoked by the conflict in the Persian Gulf and a national economic slowdown. Imports alone account for 47 to 48 percent of demand in this country. Clearly, U.S. production does not keep pace with consumption.

One part of the measure I am introducing today is a resolution calling upon President Bush to fulfill his campaign promise to develop a national energy policy based upon preserving a domestic core supply of energy. The core-supply concept would ensure a stable supply of domestically produced oil and gas as a secure foundation for satisfying our Nation's vital and fundamental need for energy. Petroleum's share of the core supply should be defined as 20 million barrels per day equivalent of natural gas, natural gas liquids, and crude oil.

Other components of the bill I am introducing today are designed as initial steps to implement a core-supply energy policy. The National Energy Security Act of 1991 will impose a floor price on imported crude oil and petroleum products. The amount of tax would be the difference between the then current price of oil and \$22 per barrel. In the case of imported refined products and petrochemical feedstocks, an additional \$2.50 differential will be imposed to compensate for the environmental costs domestic refiners must pay. A floor price for oil will generate price stability, benefiting both producers and consumers.

A floor price would stimulate drilling activity, arrest the decline in U.S. oil production, and add to proven reserves. Our dependence on imports would be mitigated, putting a significant dent in our trade gap. In addition, the revenues gained from an import fee would have a major impact on the budget deficit. If the price of oil were to remain at \$17 per barrel, the National Energy Security Act could raise upward of \$50 billion over 5 years.

Sure, a floor price will impose some short-term costs on the U.S. economy, but far less than the sustained long-term costs down the road if we allow our domestic industry to further erode. And in only a short time an oil import fee of the magnitude I am proposing would generate positive net benefits to the U.S. economy. And all the benefits accrue to Americans. We can pay ourselves now, or we can pay OPEC later.

The National Energy Security Act will also encourage our domestic oil and gas industry to realize its full potential. Hydrocarbons extraction is one of the most heavily taxed industries in the United States. The average effective Federal tax rate for U.S. oil companies has been well above that of firms in other industries during the 1980's. Repeal of the windfall profit tax helps, but is not sufficient. Other nations are lowering their taxes on energy production and attracting investment capital to develop their resources. If our tax system is not competitive, U.S. resources will not be developed. Our economy will be the loser and our national security will suffer.

The National Energy Security Act will create an oil and natural gas exploration and production credit, an oil production credit for maintaining marginal wells, and provide other incentives to our industry. For example, the measure treats geological, geophysical, and surface casing costs like intangible drilling costs. It also repeals the net income limitation on percentage depletion and increases the percentage depletion allowance.

We made real progress last year. The Congress repealed the transfer rule; reinstated the tight sands tax credit and extended the section 29 credit for 2 years; established credits for enhanced oil recovery; increased percentage depletion for stripper wells; and provided relief against the minimum tax.

This measure will help the struggling independents who drill about 85 percent of all wells in the United States and who have been responsible for close to half of the additions to U.S. oil reserves in recent years. The incentives I am proposing are quite modest, yet they will trigger considerable additional investment in exploratory drilling and enhanced re-



covery from older fields where much oil remains to be exploited.

For the longer term we should be working to make natural gas our Nation's primary energy source. The principle alternatives to oil—coal and nuclear energy—create other environmental problems. Natural gas, on the other hand, is efficient and environmentally attractive. Use of domestic natural gas has no negative impact on the Nation's trade balance and supplies are plentiful. According to the Department of Energy, the United States has a natural gas resource base in the lower 48 States adequate for more than 60 years at the present rate of consumption.

The environmental benefits of switching to clean-burning alternative fuel vehicles such as natural gas, methanol, liquid natural gas and liquid petroleum gas are numerous. These clean fuels can greatly reduce the smog-forming emissions caused by hydrocarbons and nitrogen oxide. Additionally, their use will help prevent global warming and acid rain by reducing carbon dioxide emissions. In cities across the country with air quality problems like Houston, the urgency for wide-scale alternative fuel use has never been greater.

Natural gas is already widely used in the commercial and industrial sectors. The transportation sector represents an excellent opportunity for gas to increase its share of the energy mix. If we were to convert one-half of our 16 million fleet vehicles to operate on compressed natural gas, we could slash our oil imports by 500,000 barrels a day and increase annual domestic gas consumption by 1 trillion cubic feet.

Along these lines, I have also included the Alternative Fuels Incentive Act in this legislation to promote alternative fuels use in the transportation sector. This measure will provide tax incentives to encourage fleetowners to switch to natural gas and other clean-burning fuels. Alternative fuels are not only part of a sound energy policy, they are also an important way to improve the quality of the air we breathe. Increased use of such fuels will lessen our dependence on foreign energy sources, enhance our energy security, aid our economy and protect our environment.

Mr. Speaker, it is time to make a serious commitment to preserving the ability of the U.S. oil and gas industry to respond to our future energy needs. The risks to our national security and economic well-being are growing. I look forward to working with my colleagues on both sides of the aisle and with the administration to turn this situation around.

#### SPENDING ON INFRASTRUCTURE A TOP PRIORITY

**HON. BERYL ANTHONY, JR.**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANTHONY. Mr. Speaker, today, I introduce legislation the purpose of which is to provide State and local governments with relief from the administrative burden and complexity imposed by certain provisions of the Internal Revenue Code of 1986 as they issue tax-exempt bonds to finance the infrastructure of this

country and to ensure that bonding authority is used properly.

The provisions of this bill are virtually the same as those contained in H.R. 5423 and H.R. 4524 which I introduced in the 101st Congress. Both these bills received wide acclaim as initiatives that were grounded in solid tax policy, and if enacted, would further the laudable goal of simplifying complex provisions of the Internal Revenue Code of 1986.

It is now more important than ever for these measures to be enacted into law. All across America, State and local governments have been stricken by financial crises that were not even imagined a year ago, and the problems will probably get worse before they get better. Unlike the Federal Government, which can and does operate at a deficit, 49 of the 50 States are legally bound to conduct their fiscal affairs in a more responsible manner—to operate with balanced budgets. More than half are facing serious financial shortfalls and many are considering drastic cutbacks in public works.

This fact does not bode well for our already deficient infrastructure since State and local governments provide nearly 70 percent of all infrastructure investment made in this country. If the States cannot continue their commitment to repair and rebuild this Nation's infrastructure, who will assume this responsibility?

I have been encouraged that the Democratic leaders of this body plan to make spending on infrastructure a top priority for the 102d Congress. We simply cannot afford to ignore our crumbling infrastructure even though we face a mountainous Federal budget deficit. But, the presence of the deficit will be many respects determine how we address our Nation's infrastructure problems.

Even if increased, Federal grants and matching funds will be insufficient to address our shortfall in public investment. Nor, can we expect State and local governments which are struggling to deal with severe budgetary problems of their own to bear the burden of raising taxes to fund infrastructure investment. There is no reason for Congress to devote its time and energy to developing a forward-looking infrastructure policy unless it can be fully implemented. That is why I believe public finance will play a vital role in raising the money that will ultimately be spent to build new roads, bridges, and schools.

If we are to rely upon State and local borrowing to provide much of the money for infrastructure investment, I believe Congress should strive to streamline the Federal tax provisions governing the issuance of tax-exempt bonds. After all, funds spent to comply with overly complex and unworkable Federal tax rules could be better spent on infrastructure. The legislation which I am introducing addresses the administrative excesses without undercutting the provisions enacted to prevent abuses in the tax-exempt bond area. These restrictions serve no discernable Federal purpose and dramatically increase the cost and complexity of State and local financings.

One of the most restrictive provisions enacted in 1986 was the arbitrage rebate requirement. When a State or local government builds a project which is financed with tax-exempt bonds, it invests the proceeds of the bond issue as the project is being constructed.

If the issuer earns more on its investment than its interest costs, those earnings must now be rebated to the Federal Government. Prior to 1986, those earnings, known in the industry as arbitrage, would have been used by most governments to reduce the cost of the project. While deceptively simple in concept, the administration of the arbitrage rebate rules has been a nightmare for the Treasury Department, the Congress, and more importantly, for State and local governments. In 1989 Treasury published 243 pages of arbitrage rebate regulations that it has subsequently decided to revise because it determined they were overly complex and generally unworkable for most issuers. If the complexity of this requirement cannot ultimately be made manageable, in the future, I will request the Congress to revisit the policy decision which led to the enactment of arbitrage rebate. While the policy aim was to limit abuses, I think there are other means to police the market which would, at the same time allow State and local governments to keep arbitrage earning to increase public investment in schools, bridges, and roads.

This legislation would provide that a small government unit, a unit expecting to issue no more than \$25 million of bonds a year, will be able to keep its arbitrage earnings. It is these issuers which can least afford the costs associated with the legions of attorneys, accountants, and investment advisors needed to insure compliance with the arbitrage rebate provisions.

This legislation will also allow governmental issuers to keep 10 percent of the arbitrage they earn. Since the rebate regulations are so complex, issuers have been forced to seek alternative ways to comply with the law. The easiest way for an issuer to meet the Federal mandate is to eliminate any arbitrage earnings, thereby eliminating the payment of rebate. With increasing frequency, issuers have entered into guaranteed investment contracts [GIC's] which match investment earnings with the yield on the bonds. From the Federal perspective, the problem with this arrangement is that it results in decreased rebate collections, and apparently, shifts the arbitrage benefit from the Federal or State and local governments to the GIC provider. My proposal would create an incentive for issuers to maximize arbitrage earnings. Thus, the benefit of the increased arbitrage earnings would be shared between the Federal Government and State and local governments rather than benefiting the GIC provider.

Another provision of this bill eliminates the yield restriction requirement in cases where the issuer complies with the arbitrage rebate requirement. Yield restriction requires an issuer to restrict its investments to the same interest rate at which it borrowed after a certain period of time, that is, in most cases 3 years after the date the bonds are issued. This pre-1986 requirement, enacted to prevent abuses, is no longer needed due to the subsequent enactment of the rebate requirement. Now, this duplicitous provision only creates investment problems for issuers.

As a general rule, permitting an issuer to retain arbitrage earnings is not contrary to sound Federal tax policy. Such a practice only becomes problematic, as it did prior to 1986, when State and local governments issue more

bonds than are needed to finance a project, or when they issue bonds earlier than are needed for the project. A provision enacted in 1989, better known as the "2-year rule" allows certain issuers to keep arbitrage earnings, provided they meet the provision's spendout schedule. If the issuer is unable to meet the spend out schedule, it must pay a penalty to the Federal Government. Thus, the issuer is allowed to keep arbitrage earnings and the problems of early issuance and over-issuance are addressed. When enacted, the provision was made prospective—it is only applicable to bonds issued after December 19, 1989. This effective date was chosen only because of revenue considerations. My legislation would make the 2-year rule available for bonds issued after the effective date of the 1986 act.

The bill will eliminate a requirement that no more than 5 percent of the proceeds of the bond issue may be used for an "unrelated or disproportionate use." In view of the overall 10 percent private use limit, the private loan bond limits, and the requirement of a volume cap allocation for private business use in excess of

\$15 million, the separate 5 percent unrelated and disproportionate use test is unnecessary, confusing, and results in needless complexity. Simply, it is another duplicitous provision that should be eliminated.

The bill will also increase the market for potential purchasers of tax-exempt bonds for small governmental issuers, those borrowing less than \$25 million a year. Banks would be allowed to deduct 80 percent of their interest costs for owning these bonds. This will translate into lower interest rates for small governmental borrowers which as a group generally have the highest borrowing costs. This provision will help to redressify the municipal market which has become increasingly dependent on the household sector to purchase its bonds since the Tax Reform Act.

Finally, the legislation reaffirms my commitment to formulate responses to questionable market practices. With this bill, I reintroduce my legislative response to advance refundings structured similar to the much-publicized Camden County Municipal Utilities Authority's 1990A series and 1990B series capital appre-

ciation sewer revenue bonds. The structure of that issue called into question whether an unwarranted arbitrage opportunity was created when funds released by the advance refunding are invested, at approximately the same time as the refunding, in contracts which substantially guarantee a yield which is materially higher than the yield on the refunding bonds. Just as last year, issuers and advisers who try to find ways to circumvent this measured legislative response do so at their own risk. We simply cannot allow a few aggressive members of the public finance community to impair the goodwill that has been built with the members of the taxwriting committees and their staffs.

While this bill will not solve many of the complex problems facing State and local governments, it will make those jobs a little easier and less costly. I urge my colleagues to join with me in taking yet another positive step in reestablishing the Federal-State-local partnership which is imperative if the infrastructure needs of this country are to be met.